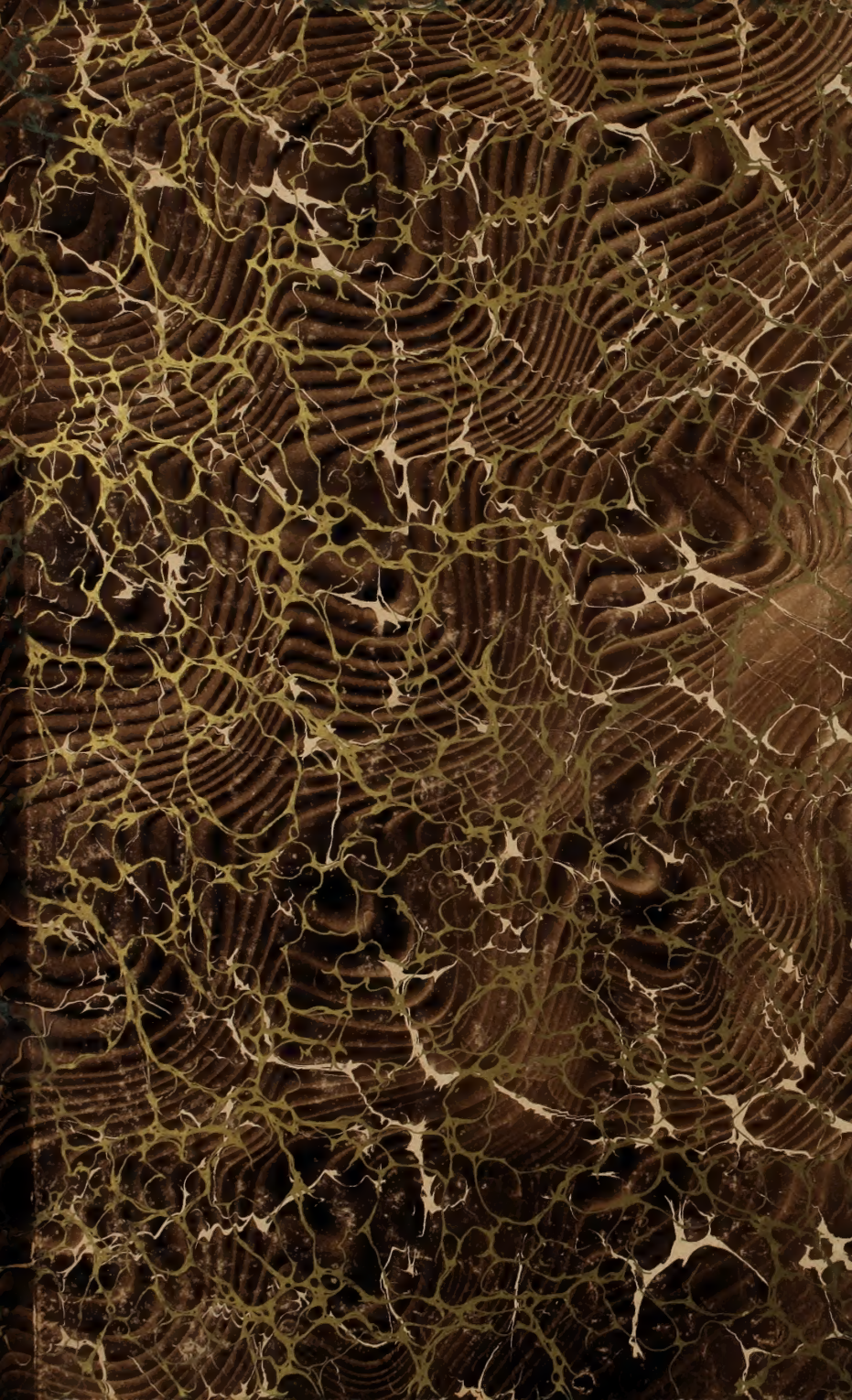

Annexation

To annexing	South Wayne to the City of Ft Wayne		75
"	" certain Contigous territory		80
"	" " "		86
"	" Swinneys Extended addition		122
"	" Flemings and esmonds addition		123
"	" Tenitory North of City Limits		124
"	" Catholic Orphan Asylum Grounds		141
"	" certain Contigous tenitory		231
"	" " " "		232
"	" " " "		233
"	" " " " East of Walton Ave		353
"	" " " " E & S. of Industrial Park Add		389

A

A
B
C
D
E
F
G
H
I
J
K
L
M
Mc.
N
O
Q
R
S
T
U
V
W
Y
Z

A B

Bonds

	Page
Bonds of Offical Boards	55
" " Assistants. Clerks and employes	56
To Issue and sell Washington St improvement Bonds	81
" " " " Sewer improvement bonds	91

Contracts

Ratifying Contract with Jenny electric light & power co	67
" " " Ft Wayne West Telegraph co	89
" " " Wagner water Supply co Dayton O.	98
" " No 2 " " " " " "	101
" " with W. J. Hilton for Crematory	118
" " " Home Telephone Company	139
" " with Jenny Electric Light & Power Co	228
" " " " " " "	230
Contract Dixon Garbage Cremamatory Co	356
Contract between N Y C. & St L R R & Board of Works	379
Contract of Indiana & Ohio Railway (Extension of time 499)	401
" of Ft Wayne & Huntington Street Rail Road	433
American District Telegraph Co.	452
L. B. McElhenny Interurban Railway	456
Wabash Railroad, track across Fairfield Avenue	481.
Physicians and midwives must register.	482.
Fort Wayne and Southwestern Traction Company.	504. 495.
Stephen B. Flemming Interurban R.R.	514.
S.B. Flemming Company	532.
Fort Wayne Traction Company (Time extended 580.)	553.
Penna. Co., permit to lay track across Hayden street	583.
" " " " " Hanna "	584.
Steam Heating Franchise	586.

	License	Page
	Vehicle License	68
To	Flushing sewers and sink drains	78
Repealed. To	sell Lights within four miles from the corporate limits	92
To	sell oils. coal oil. Gasoline and petroleum 322-	100
Repealed To	Require Peddlers and Hawkers to take out a license	107
To	Issue License to Sewer Builders & Sewer tappers	102
To	Lincense gas mains and pipes	142
To	Lincense Telegraph and Telephone Poles	128
To	Lincence persons flushing sewers, drain pipes.	131
To	License Auctioneers	154
To	Require Peddlers & Hawkers to take out license	160
	Vehicle Licence 197-175-	163
	Gas Fitter Water pipe fitters & Plumbers.	218
	Branch stores of Establishments & Auction	256
	Oil Peddlers. License	322
	Clairvoyants, palmists, fortune tellers.	508.
	Junk purchasers permit	509

L
M
M²
N
O
Q
R
S
T
U
V
W
Y
Z

Miscellaneous ordinances

To [illegible] street crossings 6
[illegible] the [illegible] [illegible] [illegible]
[illegible] Tax [illegible] [illegible] 31
[illegible] [illegible] [illegible] [illegible] [illegible]
the Library purse 37
[illegible] the School Trustees to make annual
report [illegible] [illegible] [illegible] each year 8
To regulate the [illegible] [illegible] [illegible] water
[illegible] [illegible] to fill up [illegible] [illegible] 9
[illegible] license to connect drain tile with sewer 9
To remit [illegible] from liquors [illegible] 95
To establish a Bacteriological Laboratory 97
Authorizing County Auditor to issue over-charges 99
Unlawful to throw Glass paper nails Rubbish on Streets 110
Authorizing City Comptroller to pay out all trust funds 112 & 121
Dog ordinance 113
Fixing Tax Levy 119
— Changing the name of Niedlinger ave to Swinney Ave 126
To prevent [illegible] from washing down on Sidewalks 128
— Naming alley between Berry & Wayne St "Arcade court" 127
— Revising the City [illegible] 133
Prohibiting the sale of Vegetables at retail on Harrison St 140
Market ordinance 144
Cigarette Ordinance 17 149
Regulating Speed of Horses & Bicycle Riders [illegible]
Fixing Tax levy for 1911 [illegible]
Double track St RR on Superior St 61
Fixing salaries of Water Works Trustees [illegible]
Comptroller to pay out Trust Funds 177
Prohibiting Carrying Banners & Crying aloud to Advertise 178
Bread Ordinance 179
Milk Ordinance 182
Street Car Fenders [illegible]
An Ordinance for the Drainage of Pools Excavations & Holes 186
Fixing Fire Limits (Amended 1911.) [illegible]
Numbering Houses 191
Changing Names of streets in 8th Ward 193
" " " 7th " and 10th Ward 194
" " " 9th " 195
Bathing in streams while naked 196
— Circus & Showsparading the streets to give Bond 199

Changing the name of Chicago St to Brooklyn Ave 201
Fixing Tax Levy for 1897 201 —
An Ordinance Prohibiting any person, company or corporation to erect or maintain any poles or string wires without first obtaining a permit from the Common Council. 202

Wires underground on Calhoun St 203 —
Changing the names of certain streets 206
Fixing Bond of Comptroller 208
Annexing Williams Grove 209
Changing the name of Georgia Ave to Knitters Ave 210
An Ordinance fixing salaries of Certain Officers and Assistants 211
Noxious Weeds (See 415 Amended) 215
Prohibiting persons not Licensed Plumbers & Gas Fitters 221
Declaring Building Walls Unsafe 223
Curfew 226
Fixing Tax Levy 1898 229
Accepting park from Henry M. Williams 234
Water Works Trustees to set aside a sinking fund
Wabash R. R. to erect Gates on Walton Avenue
Refunding Bond Ordinance 1899 238
Refunding Bond Ordinance 1899 246
Prohibiting persons from watering Horses and horses at Public Drinking Fountains 252
Defining City Limits 253
Health & Charities to Condemn Water 258
Restrain the use of Fire Rings & Street Sprinklers during Fire 260
Party Walls 261
Fire Alarm Telegraph Boxes 263
Disinfect Premises (Recorded Book 2 folio 185) 265
Authorizing the Sale of City's Personal Property 267
Making Williams Park Addition part of sixth Ward 269
Making Certain Territory part of Sixth Ward 270
" " " " " 271
" " " " Seventh Ward 272
Wires Underground on Main, Clinton, Perry & Columbia Sts 273
Suppression of Infectious & Contagious Diseases 275
Protect hose belonging to the Fire Department 278
Repairing improved Sidewalks 279
Government of Fire Department 280

Mar 12 1898

O
Q
R
S
T
U
V
W
Y
Z

	Page
Salary Ordinance	281
Payment of Damages to Treasurer on Real Estate	285
Gathering and Cremation of Garbage (Amended 578.)	286
Repealing Bond Ordinances	288
Refunding Bond Ordinance $270,000. - 1899	289
Refunding Bond Ordinance $ 50.000 - 1899	297
Milk Ordinance	303
Impounding Cattle	309
Regulating the running of Locomotives & Cars	312
General Licenses	317
Traction Engines	321
Oil Peddlers Licens. (amended)	322
Bond Ordinance (Amended)	323
Fire Protection	328
Bond Ordinance (Amended)	330
Tax Levy for 1900	334
Fire Arms Guns &c	335
Legal Holidays	336
Partition Fences (Amended 371.)	337
Areas. Vaults and Basements under Sidewalks	339
Moving Houses	342
Defining certain Offences	344
Gates L. S. & M. S. R.R. on Main street.	354
Board of Works to Contract with Dixon Creamatory Co	356
Regulating the Use of Streets and Alley	357
Regulating the Construction of Sidewalks	366
Regulating the Construction of Vaults (Amended 484.)	373
Regulating the Use of Bridges	375
Test Water	377
Union Label on Printing	378
Confirming Contract N.Y.C. & St.L.R.R. & Board of Works	379
Natural Gas	384
Nuisances	390
Walton Ave Tunnel	394
Salary Ord	396
Indiana & Ohio Interurban Franchise	401
Paving at R. R. Crossings	418
Dog tax	420
Making certain territory part of 10th Ward	425 & 426
Repeal of Vehicle Ordinance	427
Tax Levy 1901	428

	Weighmasters	430.
—	Changing the names of certain streets.	431.
	Air lift plant, water works department.	477.
No. 173	Fixing Salaries	478.
" 174.	Permitting Wabash Railroad to lay track across Fairfield	481
" 175.	Physicians and Midwives must register	482.
176.	Fixing tax levy for 1902	483.
— 177.	Changing name of part of East Main street.	484.
178.	Amended ordinance regulating the construction of vaults	484
179.	Railroads to keep portions of streets clean	485
180.	Railroads to maintain flagmen at certain crossings	486.
181.	Protection of Parks and animals placed therein	488.
182.	Street Railroads. Place feed wires underground	492.
183.	Protection of safety gates at railroad crossings	493.
184.	Amended ordinance fixing fire limits	494.
185.	Contract with Ft Wayne & Southwestern Traction Co.	495.
186.	Railroads to maintain flagmen at certain crossings	498.
187.	Contract with Indiana and Ohio Traction Co.	499.
188.	Regulating the burial of the dead	501.
189.	Contract with Fortwayne and Southwestern Traction C.	504
190.	Amended ordinance. Construction of partition fences	561.
191.	Licence. Clairvoyants, Palmists, Fortune Tellers	505.
192.	Licence. Junk and old clothes buyers	510.
193	Salary Ordinance	570.
194	Contract with Stephens R. Flemming &	514.
195.	Amend salary Ordinance.	531.
196.	Contract with E.B. Flemming Company.	533.
197.	Wholesale Market on East street.	550.
198.	Contract with Ft Wayne Traction Company	552.
199.	Fixing Tax levy	575.
200.	College street crossing. Safety gates	577.
201.	Kitchen Garbage. Hauling and Cremation	578.
202.	Contract with E.B. Flemming C.	580.
203.	Pennsylvania C. Track Huydon and Francis streets.	583.
204	" " " Hanna street.	584.
— 205.	Steam Heating Franchise	

To Construct an electric Railway on Superior st
To keep clean sections of streets 485.
To place feed wires underground 492.

R
S
T
U
V
W
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Fitting the Harness of Officers Chiefs & Musicians
" " " " Councilmen & Civil Attorneys
" " " " Officers Clerks & employees
" " " " Water Works Employees
" " " " Auditors & Assessors &c.
" " " " 316
" " " " Firemen & Police

S T U V W Y Z

May-8-1894 &c

Special Ordinance No 1

An ordinance requiring the comptroller the board of Public Safety the board of Public Health and Charities the County Auditor the County Treasurer the city Civil Engineer to execute bonds to the city of Fort Wayne as in the special ordinance of this date duties and fixing the amount thereof

Section 1. Be it ordained by the common council of the city of Fort Wayne that the comptroller bond be fixed at the sum of $25.000

2. That the bonds of the members of the board of public safety be fixed at the sum of $500 each

3. That the bond of the members of the board of public health and Charities be fixed at the sum of $500 each

4. That the bond of the city civil Engineer be fixed at the sum of $2.000.

5. That the bond of the clerk of the department of public works public safety and public health and Charities be fixed at the sum $2.500

6. The bond of the County Auditor be fixed at the sum of $5.000

7. That the bond of the County Treasurer be fixed at the sum of $500.000

8. That the bonds required to be executed by this ordinance be approved by the Mayor and filed with the Head of the department of finance.

Done at the Council Chamber of the City of Fort Wayne and this the 8th day of May 1894

attest
W. J. Jeffers
City Clerk

Approved May 8. 1894
C. B. Cuddeback
Mayor

Bond Ordinance 1922

An Ordinance requiring certain officers, clerks, assistants and employees to execute bonds to the City of Fort Wayne for the faithful performance of their duties and fixing the amount thereof.

Section 1.

Be it ordained by the common council of the City of Fort Wayne that the bond of the assistant City Civil Engineer be fixed at the sum of $1,000

2. That the bond of the Superintendent of Street repairs be fixed at the sum of $1,000

3. That the bond of the foreman of Street repairs be fixed at the sum of $[illegible]

4. That the bond of the janitor for the City Hall be fixed at the sum of $500

5. The bond of the assistant janitor for the City Hall be fixed at the sum of $200

6. The bond of the Custodian of Parks be fixed at the sum of $500

7. That the bond of the Harbor master be fixed at the sum of $1,000

8. That the bond of the City Sound master be fixed at the sum of $500

9. That the bond of the City Weighmaster be fixed at the sum of $1,000

10. That the bond of the Superintendent of Police be fixed at the sum of $2,000

11. That the bond of the Captain of Police be fixed at the sum of $1,500

12. That the bond of the Lieutenant of Police be fixed at the sum of $1,500

13. That the bond of the Sergeant of Police be fixed at the sum of $1,500

14. That the bond of the Patrolman be fixed at the sum of $1,000

15. That the bond of the patrol driver be fixed at the sum of $1,000

16. That the bond of the station clerks be fixed at the sum of $500

17. That the bond of the Electrician of the Police Department be fixed at the sum of $1,000

18. That the salary of the lineman of fire alarm be fixed at the sum of $2.00
19. That the salary of the chief of the fire dept be fixed at the sum of $50.00
20. That the salary of the engineer of the fire department be fixed at the sum of $600
21. The salary of the assistant of the fire department be fixed at the sum of $600
22. That the salary of the electrician of the fire department be fixed at the sum of $1.00
23. That the salary of the fireman of all classes be fixed at the sum of $60.00
24. That the salary of the special lineman be fixed at the sum of $1.00
25 That the salary provided to be granted by this ordinance be allowed by the Mayor and clerk with the department of finance

Section 2. 26. All ordinances in part of ordinance in conflict herewith are hereby repealed.

Section 3. 27. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor of said City of Fort Wayne Ind

Done at the Council Chamber of the City of Fort Wayne Ind. this the 12th day of June 1894

Approved June 12. 1894
L. B. Oakley
Mayor

attest
W. J. Jefferis
City Clerk

General Ordinance No 4

An Ordinance authorizing the employment of certain clerks assistants and employes: fixing the compensation salaries and wages of certain officers clerks and employes of the City of Fort Wayne Indiana repealing conflicting ordinances and fixing the time when this ordinance shall take effect.

section 1

Be it ordained by the Common Council of the City of Fort Wayne Ind. That the officers clerks assistants and employes of the City of Fort Wayne Ind shall respectively receive the compensation salaries and wages as hereinafter provided. The employment of such clerks and assistants as are hereinafter named is hereby authorized and the compensations and salaries of such clerks and assistants are fixed and at the sums and amounts respectively named to such clerks and assistants.

section 2.

For the department of Public works: It appearing to the satisfaction of the Common Council of the City of Fort Wayne Ind that it is necessary that the Civil Engineer should have a deputy City Civil Engineer and said deputy shall receive a salary at the rate of $85.00 per month.

The superintendant of sewer repairs shall receive a salary at the rate of $75.00 per month.

The foreman of sewer repairs shall receive a salary at the rate of $60.00 per month during actual employment

The janitor for the City Hall shall receive a salary at the rate of $50.00 per month

The assistant janitor for the City Hall shall receive a salary at the rate of $20.00 per month.

The custodian of Parks shall receive a salary at the rate of $60.00 per month.

section 3. For the department of Public Safety.

For the Markets

The Market Master shall receive a salary at the rate of $20.85 per month

The City Pound Master shall receive a salary at the rate of $40.00 per month

The City Weighmaster shall receive a salary at the rate of $65.00 per month

For the Department of Police

The Superintendent of Police shall receive a salary at the rate of $1100.00 per annum.
The Captain of Police shall receive a salary at the rate of $950.00 per annum.
The Lieutenant of Police shall receive a salary at the rate of $55-.00 per annum.
The Sergeant of Police shall receive a salary at the rate of $500.00 per annum.
The Patrolman shall receive a salary at the rate of $80.00 per month.
The Patrol drivers shall each receive a salary at the rate of $65.00 per month.
The Station clerks shall each receive a salary at the rate of $40.00 per month.
The electrician shall receive a salary at the rate of $35.00 per month.
The Humane Officer shall receive a salary at the rate of $35.00 per month.

For the Fire Department

The Chief of the Fire Force shall receive a salary at the rate of $1200.00 per annum.
The Engineers shall each receive a salary at the rate of $75.00 per month.
The Captains shall each receive a salary at the rate of $65.00 per month.
The electrician shall receive a salary at the rate of $50.00 per month.
The Fireman of class A shall each receive a salary at the rate of $60.00 per month.
The Fireman of class "B" shall each receive a salary at the rate of $55.00 per month.
The Fireman of class C shall each receive a salary at the rate of $50.00 per month.
[illegible]

For the Department of Public Health and Charities

One Special Sanitary Policeman shall receive a salary at the rate of $45.00 per month.
One Special Sanitary Policeman shall receive a salary at the rate of $45.00 per month.
One Special Sanitary Policeman shall receive a salary at the rate of $45.00 per Month.

(over)

Section 8

The Compensations, Salaries, and wages enumerated in and provided for in the foregoing sections of this ordinance shall be paid out of the funds in the City Treasury appropriated for such purposes at the time and in the manner provided by law.

Section 9.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 10.

This ordinance shall be in full force and effect from and after its passage and approval by the Mayor of said City of Fort Wayne Indiana

Done at the Council Chamber of the City of Fort Wayne Ind this the 25th day of May 1894

Attest
N. J. Jeffries
City Clerk

Approved May 26. 1894
Lo. B. Oakley
Mayor

General Ordinance No 3

An Ordinance relating to the construction and maintenance of a double track on Superior Street and Spy run avenue from the east line of Calhoun Street to within 50 feet of the bridge and a single track from this point to the bridge crossing the Saint Marys river

Section 1.

Be it ordained by the Common Council of the City of Fort Wayne that consent permission and authority are hereby granted and vested upon the conditions hereinafter named unto the C & L Electric Street Railway Company, its successors and assigns, as hereinafter provided to lay construct and maintain and operate a double track street railroad from the east line of Calhoun Street on Superior Street to within 50 feet of and a single track from this point up to the bridge crossing the Saint Marys river on Spy run avenue and the right to connect by proper curves or switches with the tracks of the Fort Wayne electric Railway company at the corner of Calhoun and Superior Streets

Section 2.

That said road be operated by electricity

Section 3.

The said Company shall at the time it lays and constructs said tracks save maintain and keep in repair all that part of said Street laying between the outer rails of both tracks including that part of the Street lying between the inner rails of said tracks with the inner said stringers laying rock and broken stone foundation of such thickness and quality as may be required by the Board of Public Works

And provided that the rails used in the construction of said track shall be a first class modern rail to be satisfactory to the board of Public works of said City

And provided further that in crossing any paved or improved Street the Company shall leave the crossings outside the outer rails in as good repair as before making crossing

and provided further that at any time the Board of Public works deem it advisable that all said tracks shall be paved then in that case if said street is paved they shall have the right to require said Company at their own expense to take up and remove the pavement as hereinbefore provided for and replace the same with a pavement of the same kind and during that the said Board of Public works direct that shall be placed upon the remainder of said street

and provided further that if all of the said street is paved said Company shall be required to pave maintain and keep in repair in addition to the surface of said street already herein provided for to be paved two strips of ground each 12 inches wide lying directly contiguous to the outer side of the outer rails of said tracks and work to be done at the same time and to the satisfaction of the Board of Public works

Section 4.

That said Company shall be allowed to operate its cars on said tracks by electricity using the storage battery, conduit overhead wires, or such other system as said Company may deem most practical.

In pursuance of and compliance with the ordinances of said City and while all provisions of this ordinance are fulfilled by said Company its successors and assigns, and to that end for such purpose said Company shall have the right to construct such conduits between its tracks or to erect and maintain, poles, wires, fixtures and all other appurtenances appliances and fixtures for conducting currents of electricity for the purpose of producing motive power to propel and operate the said cars on said street Railroad

Section 5.

In case said Company adopts and uses a trolley or overhead wire system for operating said street Railroad by electricity then the poles and wires used by it in such operation shall not be less than 18 feet nor more than 25 feet above the surface of the ground.

and all of said poles shall be placed inside of the curb and be made of iron and painted in such a manner and as often as the Board of Public works from time to time directs

section 6

The Common Council shall have the power at all times to make such regulations as to the rate of speed as Public safety and convenience may require

section 7

The concession herein granted shall be subject to all of the conditions of this ordinance and of the several ordinances in and by virtue of which the said Company is now permitted to operate its said Railroad along said streets of said City, except as to the rate of speed.

section 8.

The said C. L. Centlivre Street Railway Company its successors and assigns shall use and continue on said Railroad first class cars equipped with all the modern improvements for the convenience and comfort of passengers. Said Company shall operate and manage its said road as the Public Safety may require with due regard to the safety of those using same and those lawfully in and about the Public Streets of said City, and said Company shall upon special occassions of unusual travel, when the travel averages more than twenty five passengers to a car per trip each way per day employ a conductor on such car or such times to collect fares

section 9

The said Company its successors and assigns do obligate themselves to comply with all the conditions and provisions of this ordinance and that they shall forever indemnify and save harmless the City of Fort Wayne from all cost expense, and damages suffered or incurred by us and from all judgments and decrees rendered against it by reason of or growing out of or resulting from the passage of this ordinance or any matter or thing connected therewith or by the exercise of the said Company its successors and assigns the privileges hereby granted or from any act of said Company its successors and assigns their servants or agents under and by virtue of this ordinance or failure to comply with any provision thereof, and in that case said Company its successors and assigns upon accepting this ordinance shall execute to said City and there after keep a good bond in the penal sum of Twenty Thousand ($20,000.00) dollars with surety to be approved by the Mayor and filed with the Department of Finance conditioned that said Company its successors and assigns will so protect

and shall promptly pay and comply with all the conditions and provisions of this ordinance

Section 10

The said Company shall adopt and actually commence the construction of a system of electricity on the streets for the operation of a Street Railroad within two Months from the date of passage of this ordinance and shall have all the said lines completed and in operation by such system within twelve months from the passage of such ordinance and upon the failure of said Company to actually commence the construction of such system in good faith within the said two Months and have the same completed within the twelve Months then all rights and privileges herein granted shall cease and be forfeited.

Section 11

All the rights privileges and permissions granted and vested unto the Citizens Street Railway Company by virtue of this ordinance and all former ordinances is upon the expressed condition that in case any territory or suburbs through which said Company its successors and assigns operate Street Railroads is annexed to or becomes part of the City of Fort Wayne then in that case all Street Railroads so operated by them on the streets or roads of such annexed territory by virtue of any ordinance to said Company granted shall be governed by and be subjected to all the requirments and conditions of this ordinance and ordinances governing Street Railroads

Except said Company will not be required to pave the space between the tracks on those streets within such annexed territory until the remainder of such streets are paved. But said Company shall be required at all times to gravel and maintain at its own expense that part of the streets between the outer rails of its tracks including the space between the inner rails if there is a double track and keep the same in as good repair and condition as the balance of said street shall be at that time. Said work to be done to the satisfaction of the Board of Public works

Section 12

All rights privileges and permissions granted to or vested in the C. L. Centlivre Street Railway Company its successors and assigns by virtue of this ordinance

and all former Ordinances to said Company granted shall cease revert to and become the property of the City of Fort Wayne in Ninty nine (99) years from the date of the passage of this Ordinance

Section 13.

This ordinance shall take effect and be in full force from and after its passage and the filing by the said Company its Successors and assigns the bond as hereinbefore provided for and written acceptance of the terms and conditions thereof within 30 days after the passage of the same

This ordinance is intended as an amendment of a certain ordinance passed by the Common Council of said City of Fort Wayne on the 13th day of September 1887 granting to Charles Centline and his assigns, the right to lay and construct a single track street Railroad on superior Street from the eastern terminus thereof to the east line of Calhoun Street and for the purpose of granting said C. L. Centline Street Railway Company permission to change said road to a double track road and to operate the same with electricity.

Done at the Council Chamber of the City of Fort Wayne Said This 9th day of June 1894

Approved June 20. 1894
L. B. Colerick
Mayor

Attest
W. C. Maris
City Clerk

General Ordinance No 5

Ordinance fixing the salaries of certain officers of the City of Fort Wayne Indiana

Section 1

Be it ordained by the Common Council of the City of Fort Wayne that the Officers of the City of Fort Wayne shall receive respectively a Compensation or salary as hereinafter in this Ordinance provided Viz:

The members of the Common Council shall each receive a salary at the rate of one hundred and eighty ($180.00) dollars in annum

Second

The Head of the Department of Law or City attorney shall receive a salary at the rate of fifteen Hundred dollars ($1500.00) in annum

Section 2

This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Given at the Council Chamber of the City of Fort Wayne Ind this the 26th day of June 1894

Attest
H C Jeffries
City Clerk

Approved June 26. 1894
C. B. Oakley
Mayor

General Ordinance No 6

Entitled by
J Tuker

An Ordinance ratifying confirming and approving a certain contract and agreement made on the 26th day of June 1894 with the "Penny electric light and Power company" of the City of Fort Wayne Ind.

Section 1

Be it ordained by the Common Council of the City of Fort Wayne Ind that a certain contract made and entered into between the City of Fort Wayne by and through its Board of Public works for the lighting of said City of Fort Wayne for a period of five (5) years from July 1st 1894, be ratified and affirmed and the said contract is hereby ordered to be in full force and effect from and after the passage of this ordinance and approval by the Mayor.

Passed at the Council Chamber of the City of Fort Wayne Ind this the 29th day of June 1894

Attest
H C Zepperick
City Clerk

Approved June 30. 1894
C. B. Oakley
Mayor

General Ordinance No 7

An ordinance providing for the license upon vehicles drawn upon the streets in the City of Fort Wayne and designating the construction and dimension of same to be used on such vehicles and providing penalties for the enforcement of the same. For the publication hereof and the date when the same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Fort Wayne Indiana. That the owners of all vehicles used upon the streets of the City of Fort Wayne shall pay annual license fee as follows:- Viz

1st For Each wagon or truck used for hauling brick, logs, wood, machinery, safes or stone and drawn by four or more horses $15.00

2d On each wagon or truck used as above and drawn by two horse $10.00

3d On each wagon or truck used for hauling brick or ice and drawn by two horses $8.00

4th On each omnibus drawn by four ~~Horses~~ $10.00

5th On each omnibus drawn by two horses 8.00

6th " " tallyho " by four horses 10.00

7th " " " by two horses 8.00

8th " " Wagon " by four horses in the manner specified in class 1 8.00

9th On each wagon or cart drawn by two horses 4.00

10th " " " " " " " one horse 2.50

11th " " dray or truck " two horses 8.00

12th " " " " " " " one horse 5.00

13th " " furniture or moving car drawn by two horses 7.00

14th " " " car drawn by one horse 4.00

15 " " Sprinkling cart drawn by two horses 6.00

16 " " " " one horse 4.00

17 " hack or hackney carriage drawn by two horses 4.00

18 On each baroueche, coupe rockaway or livery wagon drawn by two horses 4.00

19 On each cab drawn by one horse 3.00

20 " " baroueche drawn by one horse 3.00

21 " " four passenger surrey drawn by one horse 2.00

22 " " driving cart drawn by one horse or pony 2.00

23 " " Sulky 2.00

24 " " Bugge 2.00

25 On each barouche or hand cart used in peddling $2.00
26 " " bicycle except those used by children under fourteen years of age " 1.00
27 On each one horse vehicle not before mentioned 2.00
28 " " two " " " " " " 4.00
29 " " three " " " " " " 6.00
30 " " four " " " " " " 8.00

Section 2

All vehicles used exclusively for bringing any produce or provisions to market of the owners own raising and owned by persons engaged as gardners, fruit growers or florists, or to any person or persons living without said city engaged in huckestering or carrying produce into said city or any dairyman or manufacturer of brick and all persons engaged in selling ice living without said city, and all persons living without said city except persons engaged in the ordinary business of farming and not coming under any of the foregoing named classes, shall pay a license fee upon every vehicle used upon the streets of the city as follows.—
First. On each one horse wagon - - - - - - - - - $3.00
2d " two " " 5.00
3d " " four " " 8.00
4th " " two " " used for hauling bricks, logs, or ice 8.00
5th On each four horse wagon used for either of such purposes 6.00

Provided, That any person residing without said city and conducting a business within said city and going to and from his business by any vehicle shall pay a license fee as stipulated herein.

Section 3

That any person included in the provisions of this ordinance desiring to use the streets of said city shall pay or cause to be paid to the treasurer of the City of Fort Wayne for the use of said city for each vehicle the license fee as herein provided and take his receipt therefor, and upon presentation of said receipt to the city Comptroller of said city, shall issue a license to the owner of said vehicle.

Section 4

There shall be kept conspicuously in view on every vehicle mentioned in this ordinance, the registered No of such vehicle so that the same can be easily read

from the sidewalk. Such number shall be in plain distinct and legible figures. Each plate to be not less than one (1) inch in width and placed on each vehicle in the following manner

First

On drays and carts the number shall be cast or painted on metallic plate and placed on the out side of the right shaft Three (3) inches in front of the end or body of the dray or cart

2nd

On wagons the number shall be cast or painted on metallic plates, placed on the outter side of the hind axle

3rd

On buggies wagons surreys or moving cars the number shall be cast or painted on metallic plate on the right outter side of the hind axle

4th

On carriages or cars that occupy stands the number shall be painted on the outter glass of the lamps in red letters not less than two (2) inches in length and on surreys the number shall be placed in some conspicious place on the right outter side of the body thereof so that it can be easily read from the sidewalk

5th

On private carriages, coaches and buggies the number shall be cast or painted on metallic plate upon said vehicle upon the spring bar or rear end of said vehicle: or owners of vehicles so desiring it may place the number of plates on the outter side of the face of the horse not more than ten (10) inches from the collar of the horse the same to be kept conspicuously in view

The City Comptroller shall provide plates as herein intended and issue them with each license without charge other than the license fee

Painting or covering over the plates or placing a plate upon any other vehicle than the one for which the same was issued except as hereinafter provided, shall be deemed a misdemeanor, and on conviction the owner of the vehicle shall be fined as provided in section 9 of this ordinance.

Provided, any person or persons who shall be the owner or owners of more than one vehicle belonging to either class aforesaid, and who shall use but one of said vehicles at any one time upon the streets of said city and who shall have complied with the provisions of this ordinance and in accordance therewith pay the license fee under said classification shall be permitted to place the number of said license upon the harness of the horse or horses intended to be used in connection with said vehicle and a registered number of a higher grade may be used on or for a vehicle of a lesser amount by same person Provided further that all vehicles belonging to the city of Fort Wayne or claiming an exemption license by reason of being in the service of the city shall have the word "City" painted on both sides of the outside of the bed or body of said vehicle

Section. 5th

Every hack, carriage or cab when driven at night shall have fixed in some conspicuous part of the outer side thereof two bright lamps with plain glass front and sides in which shall be painted in red and legible figures not less two inches long the registered number thereof. All omnibuses when driven in the night shall have lighted lamps or candles inside thereof with the number of said license painted in red and legible figures not less two inches long in front of said lamps or lights

Section 6th

That the funds derived from the license herein provided for shall be applied to the maintenance and repair of the streets and alleys of the city of Fort Wayne That all vehicles to be used upon the streets of the City of Fort Wayne manufactured after the first day of January 1895 Must be provided with tires of the following dimensions, to wit:

Iron and steel axles

1 inch axle steel or iron must have a tire not less	1/4 inch
1 3/8 " " " " " " " " " " " " "	1/4 " "
1 1/2 " " " " " " " " " " " " "	1/2 " "
1 5/8 " " " " " " " " " " " " "	1/2 " "
1 3/4 " " " " " " " " " " " " "	1/2 " "
1 7/8 " " " " " " " " " " " " "	2 " "
2 1/8 " " " " " " " " " " " " "	2 " "

2¼ in axle steel or iron must have a tire at least 2¼ in wide
2½ " " " " " " " " " " " 2¾ " "
3 " " " " " " " " " " " 3¼ " "
3½ " " " " " " " " " " " 3½ " "
4 " " " " " " " " " " " 5 " "

Wooden axles

Wagons drays dump carts and other vehicles having axles of wood shall have tires as follows
3¼ in axles of wood must have a tire at least 1¼ in wide
3¾ in axles of wood must have a tire 2 inches wide
4½ " " " " " " " " " " 2¼ " "
5 " " " " " " " " " " 2¾ " "
5½ " " " " " " " " " " 3½ " "
6 " " " " " " " " " " 4 " "

Each truck used for hauling boilers engines safes or stone shall have tires at least five (5) inches wide. All vehicles having axles less than 2 inches wide shall not be subject to or governed by the provisions of this ordinance as far as the width of tires is concerned
It shall be the duty of the Police to examine the license plate of vehicles and report to the Comptroller all parties giving the number of plates who are violating this section in regard to the width of tires

Section "

It shall be the duty of all livery and boarding stable keepers to report to the City Comptroller the number and kinds of vehicles subject to "license" in their stables on the first day of September of each year together with the names of the owners thereof. Said report to be made between the first and fifteenth day of September of each year and on and after the 30th day of September of each year there shall be added to all unpaid license fees collected together with such license fees a penalty of one hundred per cent in addition to the amount provided for by this ordinance. And any person or persons partnership or corporation who shall after the 28th day of October of each year drive or cause to be driven on any of the streets of the City of Fort Wayne any unlicensed vehicles which under this ordinance require a license or who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor

and upon conviction thereof shall in addition to all other penalties and requirements be fined in a sum not less than twice the amount of said license and penalty and costs.

Section. 8.

The owners of Vehicles covered by the terms of this ordinance shall before obtaining a license as herein provided be required to make an affidavit before the City Comptroller in which shall be set forth a full description of the kind and character of the Vehicle in which a license is desired: the name of the owner and the use to which such vehicle is to be put which affidavit shall be signed and sworn to by said owner and endorsed on the back of the license which shall be duly issued to said owner by the City Comptroller upon payment for license fee as required by this ordinance It shall be unlawful to charge said owner so making said affidavit any notary or other fee, except the one expressly mentioned in this ordinance, Thereupon it shall be the duty of the City Comptroller without further charge, to deliver upon the presentation and surrender to him of said treasurers receipt to said owner a license covering the period for which payment has been made: Which license shall be signed by the mayor and issued and countersigned by the City Comptroller

All license provided for in this ordinance shall be issued for one year and shall be dated on the first day of September of each year. Provided, that any owner who shall have come into the possession of any such vehicle upon which no license has been paid between the first day of September of any year and the first day of September of the next succeeding year shall be required to pay a fee in proportion to the unexpired part of the year to be covered And provided further that if the owner of any licensed vehicle or partnership therewith, the license issued to him shall be no protection to the firm Company or individual to whom it is sold unless the same shall have been duly transferred on the books of the City Comptroller

Whenever any licensed vehicle that has been sold upon proper application to transfer the license from the original owner to the purchaser by making the proper endorsement of such transfer upon the back of the original license and making a note thereof in a column intended for such purposes on the record book of such license to be

[illegible]

To [illegible] shall be exacted by the City Comptroller for such transfer. All licenses so issued by the City Comptroller shall be duly recorded and kept in him in a record book properly prepared for such use which shall be intered in serial number issuance of all vehicle licensed. The kind of vehicle the use to which it is to be put. The name and residence of its owner and the fee paid therefor as shown by the receipt of the City Treasurer.

Section 9.

All ordinances or parts of ordinances in conflict herewith are hereby repealed

Section 10.

This ordinance shall take effect and be in full force from and after its passage and publication one day of each week for two successive weeks in the Gazette a daily Newspaper of General circulation printed and published in the City of Fort Wayne, Allen County, Indiana.

Done at the Council Chamber of the City of Fort Wayne Ind this the 24th day of July 1894

attest
W. J. Jefferies
City Clerk

Approved July 24. 1894
L. B. Barkley
Mayor

General Ordinance No 8

An Ordinance providing for the annexation of the extra corporate territory of the town of South Wayne allen County Indiana to the city of Fort Wayne allen County Indiana and providing for the publishing of this ordinance at least two consecutive weeks in a daily newspaper of General circulation published in said City"

Section 1.

Be it ordained By the Common Council of the City of Fort Wayne Indiana That all of the territory now constituting the town of South Wayne allen County Indiana be annexed to and become part of the City of Fort Wayne allen County Indiana. the corporate limits of said town being contigous to the corporate limits of said city and more particularly described as follows. to Wit: Commencing at the intersection of the right bank of the St Marys River with the north line of the south half of the South east quarter of Section ten (10) Township thirty (30) North Range twelve (12) east second principal meridian in allen County Indiana thence east 2343 feet to the center of Broadway; thence South along the center line of Broadway. 18 feet to the center of Creighton Avenue: thence east along the center line of Creighton Avenue 2640 feet to the center line of Hoagland Avenue: thence South along the center line of Hoagland ave 5164 feet to the intersection of the north line of Richardville Reservation: thence west along said Reserve line 4980 feet to the intersection of the right bank of the St Marys river: thence north and north-western with the meanderings of said River to the place of beginning containing about six hundred (600) acres in allen County. Indiana:

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval by the mayor and the publishing of the same for two (2) consecutive weeks in the "Fort Wayne Daily Gazette" a daily newspaper of General circulation published in the City of Fort Wayne Indiana: Done at the Council Chamber of the City of Fort Wayne and this the 14th day of aug 1894:

Approved August 15. 1894
C. B. Oakley Mayor

attest W. J. Jeffries City Clerk

General Ordinance No 9

Introduced by E. D. Fisher

An Ordinance prohibiting persons from sprinkling sidewalk crossings and fixing a penalty for the violation of the same.

Section 1. Be it ordained by the Common Council of the City of Fort Wayne that it shall be unlawful for any person or persons to sprinkle paved sidewalk crossings in the City.

Section 2. Any person violating any of the provisions of this Ordinance shall be fined in any sum not exceeding ten dollars ($10.00)

Section 3. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and its publication in some newspaper of general circulation in said city one each week for two successive weeks

Published in Fort Wayne Gazette Aug 28-89

Passed at the Council Chamber in the City of Fort Wayne Ind this the 28th day of Aug 1894

Attest:
D. T. Kelsheimer
City Clerk

Approved August 29. 1894
L. B. Oakley
Mayor

General Ordinance No 10

An ordinance ordering the paving of Superior Street and Wells Street from the west line of Barr Street on Superior Street to the bridge on Wells Street

Section 1. Be it ordained by the Common Council of the City of Fort Wayne Ind That Superior Street be paved with Vitrified Paving brick laid on an eight (8) inch concrete foundation from the west property line of Barr Street to the west property line on Wells Street if the said line be extended to the South property line of Superior Street

And That Wells Street be paved with Vitrified paving brick laid on an eight (8) inch concrete foundation from the north property line of Superior Street to the South side of the bridge crossing the St Marys River and the Board of Public Works of said City is hereby authorized empowered and ordered to make said improvements as herein specifically set forth. after the passage of this ordinance by a two thirds vote of the Council and approval by the Mayor the same having been passed within sixty (60) days after the confirmation of the Resolution of the Board of Public Works declaring the necessity of said improvements which confirmation took place on the 2nd day of Aug 1894

Section 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor

Done at the Council Chamber in the City of Fort Wayne Ind this the 12th day of Sept 1894

Attest: [illegible]
City Clerk

Approved September 12. 1894
C. B. Oakley
Mayor

General Ordinance No 11

Introduced by Peter J. Schiell

An ordinance licensing persons engaged in the occupation of flushing sewers, sink drains, water pipes, and other pipes by a Steam pressure within the City of Fort Wayne.

Section 1. Be it ordained, By the Common Council of the City of Fort Wayne, That it shall be unlawful for any person or persons firm, company or corporation, to engage in the occupation of flushing or cleaning out sewers, sink drains water pipes and other pipes by a steam pressure in the corporate limits of said City without first obtaining a license, as hereinafter provided

Section 2:- The Comptroller of said City is hereby authorized to license any person or persons to follow the occupation of flushing or cleaning out sewers, sink drains and water pipes and other pipes upon such person paying into the City Treasurer the sum of fifteen dollars ($15.00) as a license fee for the right to follow said occupation for one year from the date thereof, and also upon such person giving a Bond to the City to be approved by the Mayor, in the penal sum of Five Thousand dollars ($5.000) conditioned for the faithful observance of all ordinances of the City and conditioned that such person indemnify and hold said City harmless for any damages growing out of any negligence, matter or thing connected with said business. Said license shall not be issued for a shorter period than one year.

Section 3. Any person or persons who shall fall within the provisions of this ordinance and use a steam boiler upon the streets of said City, in order to carry on said business shall have a covered wagon enclosing said boiler and shall not permit steam to escape from said boiler nor permit or cause any noise that would be likely to frighten horses, upon the streets and shall not carry over thirty five pounds steam pressure, and shall use no other fuel except anthracite coal or coke

Section 4. Any person who shall violate any of the provisions of this ordinance shall upon conviction be fined in any sum not exceeding ($25.00

Section 5. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the publishing of the same for two consecutive weeks in The Fort Wayne Gazette a daily newspaper of general circulation printed and published in said City

Done at the Council Chamber in the City of Fort Wayne Indiana this the 25th day of Sept 1894

Attest
W. J. Jefferies
City Clerk

Approved Sept 26-1894
C. B. Oakley
Mayor.

ished in Fort
yne Gazette
ct 8-1894

General Ordinance No 12

An ordinance annexing certain contigous territory in the City of Fort Wayne Allen County Indiana and providing for the publishing of this ordinance for two consecutive weeks in a daily newspaper of General circulation. Published and printed in said City

Section 1. Be it ordained by the Common Council of the City of Fort Wayne that all of the following described contigous territory be annexed to and become part of said City.

Commencing at the center of Nelson street at its intersection with the south line of the right of way of the Pittsburg Fort Wayne & Chicago Railway Company thence west to the west line of Swinney's Extended addition. thence south to the center of Taylor Street thence east to the center of Metz Street thence north to Stophlet Street thence north to the place of Beginning all of said territory being situate in Allen County Indiana.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and publication of the same for two consecutive weeks in the Fort Wayne Gazette a daily newspaper of General circulation. printed and published in the City of Fort Wayne.

Published in Fort Wayne Gazette Sept 28 - 1894

Done at the Council Chamber in the City of Fort Wayne Ind this the 25th day of Sept 1894

Attest
W. C. Jeffries
City Clerk

Approved Sept 26-1894
D. B. Oakley
Mayor.

General Ordinance No 13

Introduced by Paul E. Wolf

An ordinance authorizing the Department of finance to issue and sell Washington Street improvement bonds and Columbia Street improvement bonds and other Street, alley and sewer improvement bonds.

Section 1 Be it ordained. By the Common Council of the City of Fort Wayne that the City Comptroller is hereby authorized, empowerd and directed to sell bonds for the following improvements:-

Creighton Abenue and Greene Street alley sewer from Winter Street to Holton Avenue ------ $85.19

Calhoun and Clinton street alley sewer from Masterson Street to Williams Street ------ $56.72

Holton avenue sewer from alley between Creighton Ave and Greene street South on Holton avenue to first alley north of Creighton Avenue, thence west along said alley to Thomas Street ------ $28.25

Holton avenue and Lillie street alley sewer from Hayden Street to Lewis Street ------ $302.28

Buchanan and Force Street alley sewer from Hunter Street to Thomas Street ------ $485.81

Buchanan and Grace Street alley sewer from Winter Street to Thomas Street ------ $73.56

Sherman and Oakland Street alley sewer from Third Street to Huffman Street ------ $458.83

Sewer in first alley west of Hannas Street from Pontiac Street to Taber Street ------ $79.44

Gay and Smith Street alley sewer from Pontiac Street to Creighton Avenue ------ $113.70

Maud and Pontiac Street alley sewer from Pontiac Street sewer intersection of Holton Avenue, thence north on Holton avenue to the alley between Maud and Pontiac Street, thence west along said alley to Thomas St ------ $21.48

Holton avenue and Read Street alley sewer from Pontiac street to first alley south of Jennison Street $223.64

John and Gay Street alley sewer from Pontiac Street to the north line of Forbings addition ------ $73.86

Force and John Street alley sewer from Pontiac Street North to 161 feet south of Creighton Avenue ------ $110.04

Oliver and Thomas Street alley sewer from Pontiac Street to Greene Street ------ $21.88

Taber and Suttenfield Street alley sewer from first alley west of Hanna Street west along said alley to Warsaw Street - $16.36

Sewer in first alley south of Suttenfield Street from first alley west of Hanna Street to Warsaw Street - - - - $122.43

Lillie Street and Walton avenue alley sewer from alley between Edgerton Street and Creighton avenue south to Milan street - $133.60

Creighton Avenue and Thomasetta Street alley sewer from Oliver Street to Smith - - - - - - - - - - - - - $88.00

Smith and Oliver Street alley sewer from Pontiac Street to Greene Street - $131.43

Gay Street brick sidewalk both sides from Lewis Street to Wabash Railroad - - - - - - - - - - - - - - - - - - - $40.00

Barr Street brick sidewalk both sides from Williams Street to Waldo Street - - - - - - - - - - - - - - - - - - - $47.54

Masterson Street grading from Clinton Street to Lafayette Street - $30.39

Broadway brick pavement from south line of Main Street to North line of Wayne Street - - - - - - - - - - - $193.13

East Columbia Street brick pavement from Barr Street to New York Chicago & St Louis Railroad - - - - - $883.60

East Columbia Street brick pavement from New York Chicago and St Louis Railroad to Maumee River Bridge - $3241.27

Washington Street asphalt Pavement from west line of Calhoun Street to the east line of Harrison St. $812.00

Huffman Street brick sidewalk south side from west line of Huffman addition to Shuman Street - - - - $98.00

Washington Street asphalt pavement from Harrison Street to City Limits - - - - - - - - - - - - - - - - - - - $8034.99

Said Bonds to be issued pursuant to an act of the General Assembly entitled "an act concerning the incorporation and government of cities having more than thirty five thousand and less than forty nine thousand population according to the last preceding United States Census, and matters connected therewith and declaring an emergency"

approved March 3d 1893

Section 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne this the 25th day of Sept 1894.

Attest W. J. Jeffries
City Clerk

Approved Sept 26-1894
C. B. Oakley Mayor

General Ordinance No 14.

Introduced by Paul. E Wolf

An ordinance fixing the tax levy for the year of 1895 for the City of Fort Wayne Indiana.

Section 1. Be it ordained. By the Common Council of the City of Fort Wayne. that a levy of $1.10 upon each $100 of assessed valuation of all the property within the corporate limits of the City of Fort Wayne. be made for the year of 1894. Two and one-half (.02½) of this levy shall be devoted and known as the Public Library Fund and five cents (.05) shall be devoted to the sinking fund having $1.02½ upon each $100 assessed valuation to be available for General purposes. Also that there shall be collected of each male inhabitant liable by law. a Poll tax of $2.00 and that $2.00 be levied on each male dog and $5.00 for each Bitch. to be charged and collected by law.

Said taxes to be collected in semi-annual installments.

Section 2: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne Ind this the 25th day of Sept 1894

attest
W. J. Jefferis
City Clerk

Approved Sept 26-1894
C. B. Oakley
Mayor

General Ordinance No 15

Introduced by An ordinance authorizing the City Comptroller to turn over to the School Trustees the Library fund.

Section 1. Be it ordained by the Common Council of the City of Fort Wayne and that the City Comptroller is authorized and instructed to turn over to the School Trustees at the proper time and according to Law, the revenue obtained by the City from the two and one-half cents upon each $100 assessed valuation levied for Library purposes.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Passed at the Council Chamber in the City of Fort Wayne this the 20th day Sept 189-

Attest
W. T. Jeffries
City Clerk

Approved Sept-26-1894
Lo. B. Buckley
Mayor

General Ordinance No 16

Introduced by E. H. McDonald

An ordinance requiring the school trustees to make their annual report on the first day of August of each year and requiring the treasurer of said school trustee to make a financial report on the first day of January of each year

Section 1. Be it ordained. By the Common Council of the City of Fort Wayne. That the school trustees be required to make their annual report to the Common Council of said City on the first day of August of each and every year and that the treasurer of said Trustees be required to make a financial report relating to the business of said School Trustee to the Common Council on the first day of January in each and every year

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed

Section 3. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne Ind this the 9th day of Oct 1894

Attest
W. T. Jeffries
City Clerk

Approved Oct 10-1894
C. B. Oakley
Mayor

General Ordinance No 17

Introduced in C.H. Leach

An ordinance annexing certain contiguous territory to the City of Fort Wayne, Allen County, Indiana and providing for the publishing of the same at least two consecutive weeks in a daily newspaper of General circulation printed and published in said City

Section 1.

Be it ordained, By the Common Council of the City of Fort Wayne Indiana, that all of the following described contiguous territory be annexed to and become a part of said City:-

Commencing at the center of Lafayette street east of the north line of Lot 1, Flemings and Esmonds addition thence south to the center of Grace street, thence west to the center of Calhoun street, thence north to the center of the first alley north of Grace street thence east to the place of beginning. All of said territory being situated in Allen County, Indiana.

Section 2.

This ordinance shall be in full force and effect from and after its Passage and approval by the Mayor, and the publishing of the same once each week for two successive weeks in a daily newspaper of General circulation printed and published in the City of Fort Wayne

Published in Fort Wayne Gazette Oct 13 20 - 1894

Done at the Council Chamber in the City of Fort Wayne Ind this the 9th day of Oct 1894

Attest
W. J. Jefferies
City Clerk

Approved Oct 10-1894
C. B. Oakley
Mayor

General Ordinance No 18

Introduced by J. M. Council

An ordinance regulating the sale of natural gas by meter in the City of Fort Wayne, Fixing the price to be charged and imposing a penalty for the violation of the same.

Section 1. Be it ordained. By the Common Council of the City of Fort Wayne Ind that it shall be unlawful for any person or persons, firm, Company or corporation to sell natural gas by meter within the corporate limits of the City of Fort Wayne Indiana, at a greater price than fifteen cents ($.15) for each one thousand cubic feet of said gas. Provided That all bills for said gas shall be due and payable on the first day of each and every month and if not paid on or before the 10th. day of the month the vender shall have the right to make an extra charge of ten per cent upon the amount due the first of the Month from the Consumer

Section 2.

That it shall be unlawful for any person or persons firm, Company or Corporation or persons falling within the provisions of this ordinance to make any greater charge for the use of meters than at the rate of three dollars per year ($3.00)

Section 3.

That it shall be unlawful for any person or persons firm, Company or Corporation or persons falling within the provisions of this ordinance to make any charge whatever for the putting in and connecting meters or make any charge for connecting said meter with the gas pipes of houses of persons desiring

Section 4.

Any person or persons, firm, Company or Corporation or officers, Managers or members of such firm, Company or Corporation who shall violate any of the provisions of this ordinance shall, upon conviction, be fined in any sum not exceeding one hundred dollars ($100.) and for each days continuance in violation thereof shall constitute a separate offe

Section 5:

This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and publication of the same one day each week for two successive weeks in a daily newspaper of general circulation, printed and published in the City of Fort Wayne Indiana.

Published in Fort Wayne Gazette Oct 20-1894

Done at the Council Chamber in the City of Fort Wayne this the 10th day of Oct. 1894.

attest
W. Jefferis

Approved Oct 10-1894
C. B. Oakley
Mayor.

General Ordinance No 19

Introduced by H. M. Glenn

An ordinance ratifying, confirming and approving a certain contract and agreement made on the 9th day of Oct 1894 with the Fort Wayne district Telegraph Company & the City of Fort Wayne, Indiana.

Section 1. Be it ordained by the Common Council of the City of Fort Wayne that a certain Contract made and intered into on the 9th day of Oct. 1894 with the Fort Wayne District Telegraph Company granting said company the right to establish, and maintain a Telephone system within said City, be approved and the same is hereby ratified and confirmed.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Given at the Council Chamber in the City of Fort Wayne and this the 10th day of Oct. 1894

Attest:
H. C. Jeffries
City Clerk

Approved Oct 16-1894
C. B. Oakley
Mayor

General Ordinance No. 20

Entitled in An ordinance defining the time and manner of Gen & Local advertising for the sale of city improvement Bonds and the mode and terms of sale

Section 1. Be it ordained by the Common Council of the City of Fort Wayne that the Bonds authorized to be sold for the payment of certain improvements set forth in General Ordinance No 13 passed September 25th 1894 and all other Bonds hereafter authorized to be issued and sold by an ordinance duly passed by the Common Council of the City of Fort Wayne. Shall be sold at private sale to the highest bidder for cash at the office of the City Comptroller after the same have been duly advertised for sale once each week for two consecutive weeks in some daily newspaper of General circulation printed and Published in the City of Fort Wayne Indiana.

Section 2. All ordinances and parts of Ordinances in conflict herewith are hereby repealed

Section 3. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne Ind this the 23d day of Oct 1894

Attest
W. J. Jeffries
City Clerk

Approved Oct 24-1894
Lo. B. Oakley
Mayor

General Ordinance No 21

Introduced by Saul E Wolf

An ordinance authorizing the Department of Finance to issue certain sewer improvement bonds

Section 1:- Be it ordained. By the Common Council of the City Fort Wayne. That the City Comptroller is hereby authorized. empowered and directed to issue and sell bonds for the following improvements:-

For the sewer in the first alley west of Wells street from the alley between Putnam Street and Archer avenue to Archer Avenue ---------- $82.50

Taber and Cuttenfield Street alley sewer from first alley east of Lafayette street to Warsaw street ---------- 111.06

For the alley sewer in the first alley west of Wells street and other sewer connections thereto $181.25

Said bonds to be issued pursuant to an act of the general assembly of the state of Indiana. entitled "an act concerning the incorporation and Government of Cities having more than thirty-five thousand and less than forty-nine thousand population according to the last preceding United States Census. and Matters connected therewith and declaring an emergency" approved March 3d 1893.

Section 2: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne Ind this the 23d day of Oct 1894

attest:-
W. C. Jefferis
City Clerk

Approved Oct 24-1894
C. B. Cutshall
Mayor

General Ordinance No 22

Introduced by C. H. Leach

An ordinance requiring persons within the limits of Fort Wayne and within four miles from the corporate limits thereof, to obtain a city license to sell intoxicating liquors

Section 1: Be it ordained by the Common Council of the City of Fort Wayne that the Mayor of the City of Fort Wayne in his discretion, is hereby authorized to grant to any person who shall have first obtained a state license to sell intoxicating liquors, a city license to sell intoxicating liquor in less quantity than a quart at a time upon such person making application therefor and first depositing in the treasury for said city for use of said city, the sum of one hundred dollars ($100.00) which said license shall run for a period of one year and shall designate therein the place at which such sale may be made. Said license shall issue under the corporate seal of said city and be signed by the Mayor and counter-signed by the City Comptroller.

Repealed See General Ordinance No 325

Section 2: It shall be unlawful for any person to sell within the limits of the City of Fort Wayne or within the distance of four miles therefrom, any intoxicating liquors in a less quantity than a quart at a time without having a city license for so to do.

Section 3: Any person who shall violate any of the provisions of this ordinance shall upon conviction pay a fine of not less than one hundred dollars ($100.00)

Section 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the publishing of the same once each week for two consecutive weeks in a daily newspaper of general circulation printed and published in the City of Fort Wayne Indiana

Done at the Council Chamber in the City of Fort Wayne Ind this the 13th day of Nov 1894

Published in Fort Wayne Gazette Nov 16 & 23-94

Attest
W. J. Jefferies
City Clerk

Approved Nov 14-1894
L. B. Oakley
Mayor

General Ordinance No 23.

Introduced by Jno M. Glenn

An ordinance requiring persons to fill up wells or pools after the same have been condemned and ordered filled up by the Board of Health.

Section 1. Be it ordained. By the Common Council of the City of Fort Wayne that it shall be the duty of every person who owns a lot or other lands within the City of Fort Wayne upon which there is situated a well or pool of stagnant water. to fill up the same whenever the Board of Health of said City shall deem that such well or pool is injurious to the Health of persons residing in the Vicinity thereof. and after said Board has given such person a five (5) days notice that said well or stagnant pool of water should be removed.

Section 2.

Any person disregarding the order of the Board of Public Health in regard to the matter herein set forth or violating any of the provisions of this ordinance shall upon conviction. be fined in any sum not exceeding ten dollars ($10)

Section 3.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4

This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the publishing of the same once each week for two consecutive weeks in a daily newspaper of general circulation printed and published in the City of Fort Wayne Indiana

Published in Ft Wayne Gazette Nov 10 & 23 - 1894

Done at the Council Chamber in the City of Fort Wayne and this the 3rd day of Dec. 894

attest
H. J. Jefferis
City Clerk

Approved ~~Dec~~ 14-1894
L. B. Oakley
Mayor

General Ordinance No 24.

Ordinance requiring owners of vaults, drain-pipes and other sewer pipes situated upon lots abutting on a street or alley in which there is a public sewer to connect the same with said sewer & providing for a penalty for the violation of the same.

Section 1. Be it ordained by the Common Council of the City of Fort Wayne, that it shall be the duty of every owner of vaults, drain-pipes or sewer pipes now situated upon lots abutting upon a street or alley in which there is a public sewer to forthwith connect the same with said sewer placing therein the necessary traps and appliances for perfect drainage.

Section 2.

Any person violating any of the provisions of this ordinance shall upon conviction pay a fine of not more than ten dollars ($10.00) and for each day's continuance in violation thereof shall constitute a separate offense.

Section 3.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4.

This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the publishing of the same once each week for two consecutive weeks in a daily newspaper of general circulation printed and published in the city of Fort Wayne Indiana.

Published in Ft Wayne Gazette Nov 16 & 17.

Done at the Council Chamber in the City of Fort Wayne Ind this the 13th day of Nov 1894

Attest
W. J. Jeffries
City Clerk

Approved Nov 14-1894
Jo. B. Oakley
Mayor

General Ordinance No 25

Introduced by Wm M. Edenn

An ordinance providing for the closing of Liquor Saloons and requiring the removal of any obstructions of the view to the interior of the same between the hours of 11 O'clock P. M. and 5 O'clock A. M. of the following day, and on Sunday.

Section 1: Be it ordained. By the Common Council of the City of Fort Wayne. That any person or persons keeping a Saloon or other place within the limits of said City or within four miles from the corporate limits thereof where intoxicating liquors are sold or given away to be drunk upon the premises shall exert therefrom every person not regularly employed therein and shall close and lock the door thereof securely and prevent no ingress thereto between the hours of 11 O'clock P. M. and 5 O'clock A. M. of the following day and it shall be the duty of every person found in any such place between said hours to depart therefrom when requested to do so

Section 2: It shall be unlawful for any person who is keeping or assisting to keep any Shop, Saloon or other place within said City or within four miles from the corporate limits thereof for the purpose of selling, wartering or giving away any kind of intoxicating liquors to be used on the premises to open such Shop Saloon or other place or have any door thereof unlocked on Sunday or prevent ingress thereto on said day of any person not regularly employed therein.

Section 3: That any person or persons keeping a Saloon or other place within the limits of said City or within four miles of the corporate limits thereof where intoxicating liquors are sold or given away to be drunk upon the premises shall at 11 O'clock P M. of each day raise all door and window-screens and remove any obstructions which prevents an unobstructed view of the interior, and shall not replace said door and window-screens or in any manner obstruct said view until 5 O'clock A. M. of the following day.

Section 4: That any person or persons keeping a Saloon or other place within the limits of the City or within four miles of the corporate limits thereof where intoxicating

liquors are sold or given away to be drunk upon the premises shall, on Sunday, raise all door and window screens and remove any obstructions which prevents an undstructed view of the interior of said saloon or place or bar and shall not replace said door and window screens or in any manner obstruct said view until 5 o'clock A. M. of the day following said Sunday.

Section 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6: Any person violating any of the provisions of this ordinance shall, upon conviction, be fined in any sum not exceeding twenty-five dollars ($25.00) for each offense.

Section 7: This ordinance shall be in full force and effect from and after its passage and approval by the mayor and the publishing of the same once each week for two successive weeks in a daily newspaper of ginual circulation, printed and published in the City of Fort Wayne Ind.

Published in Fort Wayne Sentinel Dec 27 & 28

Done at the Council Chamber in the City of Fort Wayne Ind this the 18th day of Dec 1894

Attest
W. J. Jefferies
City Clerk

Approved Dec 19-1894
C. B. Oakley
Mayor

vote on above ordinance

On motion the ordinance was read a third time and passed by the following vote.
Ayes 7 viz: Councilmen Glenn, Hild, Loesch, McDonald, Tigar, Wolf and Young
Nays 7 viz: Councilmen Borkenstein, Fisher, Griebel, Mohr, Schield, Sommers and Waltemath. His honor, the mayor voting in the affirmative

General Ordinance No 26

Introduced by Board of Health

An ordinance Authorizing the Board of Public Health and Charities to establish. Maintain and operate a Bacteriological Laboratory for the purpose of diagnosing contagious diseases.

Section 1: Be it ordained. By the common Council of the City of Fort Wayne. That the Board of Health and Charities may. and is is hereby authorized and empowered to establish. Maintain and operate a Bacteriological Laboratory for the purpose of diagnosing contagious diseases and said Board are hereby empowered and may purchase all necessary material and apparatuses and hire all necessary labor for the purpose of establishing and operating said Laboratory. The same to be under the control and direction of the Board of Health and Charities of said City.

Section 2: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor

Done at the Council Chamber in the City of Fort Wayne Ind this the 8th day of January 1895

Attest
W. C. Jefferis
City Clk

Approved January 9-1895
Ld. B Ewbley
Mayor

General Ordinance No 27

Introduced by

An ordinance ratifying, confirming and approving a certain contract and agreement made by the City on the 9th day of January 1895 with the Wagner water Supply Company of Dayton Ohio

Section 1: Be it ordained By the Common Council of the City of Fort Wayne. That a certain contract made and intered into on the 9th day of January 1895 by the Board of Water works Trustees with the Wagner Supply Company is approved and the same is hereby ratified and confirmed. Provided said Wagner water Supply Company gives a Bond to the City in the sum of $5000.00 indemnifying it against all damages.
said Wagner water Supply Company agreeing in said contract for the sum of Thirty-nine hundred and fifty dollars ($3950.00) to take the Screens out of thirty five (35) wells belonging to the City and putting in their place Saturated Joints and doing other work more particularly set forth in said contract.

Section 2: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne Ind this the 11th day of Jan 1895

Attest
W. J. Jefferies
City Clerk

Approved Jany 12-1895
Lo. B. Oakley
Mayor

General Ordinance No 28

Introduced by Paul E. Wolf

An ordinance authorizing the County Auditor to issue over-charges and refunders to parties erroneously assessed for City Taxes

Section 1: Be it ordained. By the Common Council of the City of Fort Wayne that the County Auditor is hereby authorized and empowered to issue over-charges and refunders to parties erroneously assessed for City Taxes and the same authority is hereby conferred upon the County Auditor in relation to City Taxes in the issuing of over-charges and refunders as is now conferred upon the Auditor under the Law in regard to County and State Taxes.

Provided. That the Auditor shall at least twice each year. namely: On the 1st day of Jan and the 1st day of June make a statement in writing of all City Taxes refunded and over-charges made during the six months preceding the time of the making of such statement to contain the reasons for issuing each and every refunder and the making of each and every over-charge therein contained

Section 2: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne this the 12th day of March 1895.

Attest
T. J. Jefferis
City Clerk

Approved March 18- 1895
C. B. Oakley
Mayor

General Ordinance No 29

Introduced by W. Hatemath

An ordinance requiring persons engaged in selling oil. coal oil. Gasoline or petroleum to take out a license and fixing a penalty for the violation of the same.

Section 1. Be it ordained by the Common Council of the City of Fort Wayne that any person who sells barters exchanges or offers for sale any oil coal oil Gasoline or petroleum in any form in upon along and through the streets avenues alleys or other public places of said City or travelling from place to place therein either on foot or with any kind of vehicle shall before engaging in such business obtain from the City Comptroller a license as is fs.

Section 2: Where such oils coal oil Gasoline or petroleum are carried in vehicles drawn by animal power a license fee of $25.00 per annum shall be paid for each vehicle so used. and when such oil coal oil Gasoline or petroleum is carried in vehicle propelled by hand or otherwise on the person a license fee of $15.00 per annum shall be paid.

Section 3: Licenses for fractional parts of a year for the sale of oil coal oil Gasoline or petroleum may be issued at the following rate

When such oils. etc. are carried in vehicles drawn by animal power $3.00 per month

When carried in the hand or on the person or in vehicles propelled by hand $2.00 per month.

Provided. That no license shall be granted for a less period than three (3) months.

Section 4: Any persons violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be fined in any sum not to exceed $10.00

Section 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the publication of the same once each week for two consecutive weeks in a daily newspaper of general circulation printed and published in the City of Fort Wayne. Indiana.

Published in Fort Wayne Gazette Mar 14 + 21 - 895

Passed by the Common Council of the City of Fort Wayne this 12th day of March 1895

Attest

W. J. Jefferies City Clerk

Approved March 13-1895

C. B. Oakley Mayor

General Ordinance No 30

An ordinance ratifying confirming and approving a certain contract and aguement made by the Leity on the 19th day of march 1895. With the Wagner water Supply co

Introduced by W. H. Zigar

Section 1. Be it ordained. By the Common Council of the City of Fort Wayne that a certain contract made and entered into on the 19th day of march 1895 by the Board of water works trustes with the Wagner water supply Company be approved and the same is hereby ratified and confirmed. Said Wagner water supply Company gives a Bond to the City in the sum of five Thousand dollars ($5000) indemnifying it against all damages. Said Wagner water Supply Company agreeing in said contract for the sum of Two Thousand six hundred and seventy-five dollars ($2.675.00) To blow out the thirty five gravel wells belonging to the Leity. The screens now in said wells to remain and all work shall be done as more particularly set forth in said contract it being understood that if the Contract entered into by the City with said Company on the 19th day of march 1895. is finally executed and confirmed. Then in that case the Leity is to be relived of all obligations and liabilities existing under a certain contract made by the Leity with said Company on the 9th day of January 1895

Section 2. This ordinance shall be in full force and effect from and after its passage and appiroval by the Mayor.

Done at the Council Chamber in the Leity of Fort Wayne this the 26th day of march 1895

Attest
W. J. Jefferies
City Clerk

Approved March 27-1895
L. B. Oakley
Mayor

General Ordinance No 81.

Sanitary and storm sewer and drain connections by cities

An ordinance authorizing the issuing of permits to tap sewer and drain connections made by order of the City Council, providing the manner of making such connections and specifying the terms and conditions upon which such permits may be issued, providing for the licensing of sewer builders, fixing the standard for the specifications of such sewers and connections, and prescribing the duties of certain assistance such as Garbage Inspector, etc. with power to adopt rules governing the manner of issuing such permits and licenses and providing a penalty for the violation of any of the provisions of this ordinance.

Section 1. Be it ordained by the Common Council of the City of Erie, that no connection with or opening into any sewer or drain connected by order of the City shall be made sewer under the direction and supervision of the Board of Public Works in such and place described in said Board and in such manner as hereafter provided. Any connection already made or that may hereafter be made contrary to the provisions of this ordinance shall be deemed a nuisance and may be removed in said sewer.

Section 2. Any person who shall make, permit or cause to be made any connection with any sewer or drain contrary to the provisions of the preceding section shall in addition to the penalty hereinafter provided for the violation of the provisions of this ordinance, pay a fine of not exceeding Five Dollars ($5.00) for each day that such prohibited connection shall remain after ten days notice from said Board of Public Works to remove the same.

Section 3. No person shall tap any public sewer or drain or make any connection or extension of any connection previously made, within the boundary lines of any street alley or public place in said City unless he shall be a licensed sewer builder as hereinafter provided and such licensed sewer builder shall before making any such extension or connection obtain a separate and distinct permit from the Board of Public Works for each tap extension or connection so made. All applications for such permits must be made in writing by such licensed sewer builders and must be accompanied

by a clear description of the premises and of the drains required stating the water closets sinks and other fixtures to be connected therewith. twenty four (24) hours previous to the opening of any sewer alley or public place for the purpose of making such connection. provided said Board shall make no charge in the limits granted under the provisions of this section.

Section 4: In the opening of any sewer alley or public place all material for paving or ballasting must be removed with the least possible injury or loss of same and together with the excavating material from the trenches must be placed where they will cause the least possible inconvenience to the public. As little as possible of the trench must be dug until the junction of the sewer is found unless it is first determined to make a new junction and whenever required sheeting and braces must be used to prevent caving. and in no case except by express orders of the Board of Public works or the City Civil Engineer shall the width of the excavation be less than twenty inches or more than six inches greater than the outside traverse diameter of the pipe.

Section 5: The material to be used in all private sewer and drains shall be hard. burnt brick soft glazed. or vitrified clay pipe as may be determined by the Board of Public works or the City Civil Engineer and no material shall be used in the construction of any private sewer or drain unless expressly approved by the said Board of Public works or said Engineer.

Section 6: The least inclination that will be allowed for connection with water closets. kitchen and all other drains liable to receive solid substances is one half inch in two feet and for cellar or other drains to receive water only one fourth of an inch in two feet.

Section 7: The inlets of all drains connected with water closets. sinks. down spouts or catch basins must be securely guarded against the introduction of sand earth or other solid substances by means of grates or other appliances. and all drains of whatsoever nature which shall be connected with any main or lateral sewer must be provided with a suitable trap or catch basin thoroughly trapped and no privy vault shall be connected with such sewer unless in the opinion of the Board of Public works or

City Civil Engineer suitable arrangements are provided to thoroughly flush the same by the introduction of sufficient water from hicks, hydrants or other sources.

Section 8: That for the purpose of protecting the sewers and drains of the City and for the purpose of protecting those whose premises are connected therewith from damages by reflow or water setting back from such sewer it shall be the duty of such person in the discretion of the City Civil Engineer whose premises are connected with such sewers of the City to provide an automatic flap valve or gate valve therefor in said connection so that the water cannot flow back from said sewers through such connections.

Section 9: Whenever it becomes necessary to disturb any old drain in actual use it must in no case be obstructed without special orders from the Board of Public works or the City Civil Engineer, and in case a water or gas pipe is encountered the question of passing over or under such pipe or raising or lowering the drain must be determined by the said Board or said Engineer

Section 10: No owner or occupant of any premises not having been directly assessed for such premises in making a sewer shall tap or drain into such sewer until he shall has complied with the provisions of this ordinance and paid into the Treasury for the City the sum of forty dollars ($40.00) and no person shall be allowed to drain into the connections with such sewer of any other person except by permission of the Board of Public works or City Civil Engineer and as herein provided.

Section 11: The City Comptroller is hereby authorized to grant licenses for the period of one year on the order of the Board of Public works to such persons as said Board may deem proper permitting such licensee to tap the Public sewers and drains and to make connections therewith either directly or by tapping or using lateral sewers or drains connecting with a sewer or drain whether public or private in any street or alley or public place of the City for which such person shall pay before the issue of such license the sum of two dollars ($2.00).

No person shall receive a license to become a licensed sewer builder in said City until he has furnished the Board of Public works. who shall sit as a Board to determine such matters with satisfactory evidence that he is a person in every way qualified to perform the duties which he undertakes in a skillfull and workmanlike manner. and previous to receiving such license the applicant thereof shall file a Bond with the Board of Public works in the sum of five thousand dollars ($5.000) to be appoved by said Board and conditioned that he will save harmless and indemnify the City of Fort Wayne from any loss or damage that may be occasioned in anywise by accident whether by back water or other cause or want of skill or care on his part in the prosecution of such work or that may be occasioned by reason of any opening made by him in any street. alley or public place in the making of any connection with any public or private sewer as aforsaid. that he will conform in all respects to the City Ordinance and such rules and regulations as may from time to time be established by the Board of Public works in relation to laying private drains and connections. cutting in junctions and tapping public sewers and drains and that he will pay all fines and penalties imposed upon him for any and all violations of such ordinance rules and regulations. Upon the filing of such bond the City Comptroller on the order of the Board of Public works shall issue to the applicant a licensed sewerbuilders license in the same manner as provided for other City licenses Said Comptroller shall keep a register of all licenses and the Board of Public works shall keep a record of all permits issued under the provisions of this ordinance. and the record so kept by said Comptroller shall contain the name of the person licensed time of issuing and place of Business or residence of same and no license shall be issued for a greater nor less period than one year.

Section 12: The Board of Public works shall have the power to revoke or rescind the license issued to any person under and by virtue of any of the provisions of this ordinance if said Board in their judgment deem such person incompetent or unqualified to put in tap or construct sewers or do any work

authorized or permitted to be done under and by virtue of such license; also said Board shall have the power to revoke the license of any person who in their judgment has violated any of the provisions of this ordinance or the City ordinances or the rules of said Board relating to any subject governed by the provisions of this ordinance

Section 13. No owner or occupant of any premises shall deposite or permit to be deposited any substances such as garbage, grease, rags, sand or earth, or any other such substances in any of the sinks or drains of the City or pipes or houses, gullies or catchbasins connected therewith

Section 14. No person shall wilfully or maliciously damage, injure or obstruct any sewer or house drain except in water closet pipes or any other connections laid or constructed by or under the authority of the City

Section 15. No person shall be permitted to drain into or make any connections with any public sewer or drain which may be in course of construction until the same has been fully completed and accepted by the Board of Public Works

Section 16. Any person who shall violate any of either of the provisions of this ordinance or who shall fail or neglect to comply with any or either of the requirements thereof, shall on conviction, pay a fine of not less than five dollars nor more than one hundred dollars

Section 17. All ordinances and parts of ordinances in conflict herewith are hereby repealed

Section 18. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the publication of the same once each week for two successive weeks in a daily newspaper of general circulation, printed and published in the City of Fort Wayne.

Published in Fort Wayne Gazette March 2 1895

Done at the Council Chamber in the City of Fort Wayne this the 14th day of May 1895

Attest
H. C. Jeffries
City Clerk

Approved May 16-1895
L. B. Barkley
Mayor

Withdrawn

General Ordinance No 32

Introduced by L. H. Waltemath

An ordinance requiring peddlers and Hawkers to take out a license, and fixing a penalty for the violation of the same.

Section 1. Be it ordained by the Common Council of the City of Fort Wayne that every person who sells barter or exchange, or offers for sale barter or exchange any fruit, vegetables, eggs, butter, poultry, beeswax or other farm produce, milk, cream, ice, medicines, merchandise or other articles of value in or upon or along any street or alley or other public places in said City, or travelling from place to place therein either on foot or with any kind of vehicle, shall, before engaging in such business obtain from the City Comptroller a City license so to do.

Provided that the Mayor, on the written recommendation of a councilman from the ward wherein the applicant is a peddlers license resides may in his discretion grant permits to sell, barter or exchange such articles upon or along the streets or alleys or other public places in the City

Section 2. When such produce, provisions, goods, wares, medicines, merchandise or other articles of value are carried in vehicles drawn by animal power a license of fifty dollars ($50.00) per annum shall be paid for each vehicle so used and when such produce, provisions, goods, wares or other articles are carried in vehicles propelled by hand or otherwise on the person, each person so engaged in selling shall be required to take out a license and pay a fee of fifty dollars per annum. No license required under any of the provisions of this ordinance shall be issued for a shorter period than one year

Section 3. No license granted or issued under any of the provisions of this ordinance shall be in any manner assignable or transferable or authorize any other person than the one mentioned therein to sell or authorize any other class of articles than therein specified to be peddled, unless such transfer or permission is entered of record in the City Comptrollers office on the order of the Mayor.

Section 4. Every person using a vehicle and licensed to sell barter or exchange any article of value whatsoever, under any of the provisions of this ordinance shall have conspicuously posted or painted on such vehicle so used a sign made of wood or tin bearing the name of the person so licensed. the number of the wagon the kind of articles to be sold and the words "Licensed Vendor" in plain English letters and figures and said sign shall not be less than two (2) feet in length and twelve (12) inches in width. It shall be the duty of every person selling bartering or exchanging any goods or other articles of value under any of the provisions of this ordinance to carry his license or permit with him while so selling bartering or exchanging of goods merchandise or other articles of value upon and along the streets and alleys or other public places in said City and such person shall when requested either by an officer or private citizen produce or show to such person or citizen either the license or permit of the city or under which he claims to be selling.

Section 5. No license granted or issued under any of the provisions of this ordinance shall be so construed as to entitle any person to the privilege of occupying a stand in any market space or market house street lane alley or common with cable such or otherwise nor authorize the sale, huckestering peddling or hawking of any article of provision vegetable or farm products by a licensed vender upon or in any of the market space or market houses of the city or any streets contigious thereto during the market hours. nor shall any of the provisions of this ordinance be so construed as to authorize the sale of goods wares merchandise or any articles of provisions or vegetables or farm products by auction or public outcry; nor shall any of the provisions of this ordinance be so construed as to prevent any farmer or producer from selling, at any time or in any place within the city any article of provision or vegetable grown or produced by him or to persons selling exclusively at wholesale to retail dealer in the city

Section 6: Any person licensed under this ordinance who sells or exchanges or who has in his possession with intent to sell or exchange or offers for sale or exchange any unwholesome produce poultry meat fish or unwholesome milk, or milk to which water or any foreign substance has been added or who shall be guilty of any fraud cheat misdemeanor or imposition while acting in such capacity or who shall violate any provision of this ordinance shall be punished by a fine of not less than one dollar ($1.00) nor more than fifty dollars ($50.00) and the Mayor may on proof of such violation by any person licensed under this ordinance revoke the license issued to the offender.

Section 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the publication of the same once each week for two consecutive weeks in a daily newspaper of general circulation, printed and published in the City of Fort Wayne

Published in the Fort Wayne Gazette May 7 2+28-1895

Done at the Council Chamber in the City of Fort Wayne Ind this the 14th day of May 1895

Attest
W J Jeffries
City Clerk

Approved May 16th 1896
L. B. Oakley
Mayor

General Ordinance No 38

Introduced by C. F. Fisher

An Ordinance making it unlawful to throw Glass Paper Trash Rubbish or Garbage of any kind upon the Streets or Alleys or other Public Places within the corporate limits of the City of Fort Wayne and fixing the penalty for the violation of the same.

Section 1 Be it ordained by the Common Council of the City of Fort Wayne And that it shall be unlawful for any person to throw any empty or place on any lot ground street alley or public place in the City of Fort Wayne and Kitchen slops vegetable animal waste manure or range sweepings or other sparings refuse Glass tin cans rails stones or any hard substance paper hand bills or any thing of like character or of any garbage of any kind of character whatsoever and it shall be unlawful for any person to burn any rubbish or garbage of any kind in the alleys or streets or other public places in said city, and each and every person making or having any such slops waste parings refuse or offal glass wire paper commonly called garbage shall put the same and every part thereof in some suitable vessel or box with a cover thereon to be placed at a convenient place on or near the premises out of reach or disturbance of animals or vehicles and within reasonable convenience to garbage gatherers and every head of the family or other person occupying or having control or authority of over in any place or premises where any such garbage is herein described is had made or accumulated shall be required to see to the collecting or securing the same according to the provisions of this ordinance and any person who shall violate any of the provisions of this Ordinance or shall fail or neglect to perform either one or more of the duties imposed herein shall be fined for any violation on any day or for each day of any such violation or neglect of duty in any sum not exceeding five dollars

Published 1 time Wayne Gazette June 1st & 8th 1895

Section 2: All ordinance and parts of ordinances in conflict herewith are hereby repealed

Section 3: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the publication of the same once each week for two consecutive weeks in a daily newspaper of general circulation printed and published in the City of Fort Wayne, Ind

Passed at the Council Chamber in the City of Fort Wayne this the 28th day of May 1898

Attest
W. F. Jeffries
City Clerk

Approved May 29th 1898
C. B. Bailey
Mayor

General Ordinance No 34

An ordinance authorizing and empowering the City Comptroller to pay out all trust funds Introduced by Paul E. Wolf moneys raised by special tax levies, and all moneys belonging to other persons. Companies or Corporations other than the City of Fort Wayne. which may come into his hands by virtue of his office. Said moneys to be paid out for the purpose for which they are to be devoted at the proper time and according to Law.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne that the City Comptroller be and he is hereby authorized and empowered to pay out to the proper person at the proper time and in the manner provided by Law all moneys raised by special tax levies for the year 1894 all trust funds and all the moneys belonging to other persons. Corporations and Companies other than the City of Fort Wayne which may be now on hands or which may hereafter come into the hands of the Comptroller by virtue of his office

Section 2: all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3:

This ordinance shall be in full force and effect from and after its passage and approval by the mayor.

Done at the Council Chamber in the City of Fort Wayne Ind this the 12th day of June 1895

Attest
W. T. Jeffries
City Clerk

Approved June 13-1895
L. B. Ousley
Mayor

General Ordinance No 35

An ordinance regulating the Harboring and keeping of dogs requiring each dog to wear a tag and fixing a penalty for the violation of any of the provisions of this ordinance.

Introduced by R. J. Fisher

Section 1. Be it ordained. By the Common Council of the City of Fort Wayne, that every owner of, or person who harbors or keeps a dog within the limits of this city, shall report to the city comptroller aforesaid within ten days after the first day of June in each year his or her name and address and shall give the name, breed color and sex of each and every dog owned or kept by such person and shall pay to the City Treasurer the sum of fifty cents for each and every dog and cause such dog or dogs to be registered in the office of the City Comptroller, who shall furnish the owner or keeper of the same with a tag.

Section 2.- Every dog shall be provided by its owner or keeper with a collar to which a tag shall be securely fastened. No dog shall be permitted to remain within the limits of this City, upon the owner or keeper thereof shall have caused such dog to be registered, and any owner or keeper of a dog failing to provide such collar and tag shall be upon conviction fined in any sum not to exceed five dollars for every such dog so unprovided, and every day that such dog is allowed to run at large without a tag and without being registered shall constitute a separate offense.

Published in the Fort Wayne Gazette July 11 & 18-1895

Section 3.- The City Comptroller shall keep a complete register in a book to be kept for that purpose of all registered dogs describing same by name, breed color and sex and shall also enter the name and address of the owner or keeper as given and the number of the tag delivered to such owner. He shall provide each and every year such a number of "metal" tags as may be necessary (the shape to be changed each year) having stamped thereon the year for which said tag is to be issued to such dog and the letters C. F. W. & W. C. and also the number of the tag. And it shall be the duty of the City

comptroller to deliver one of such metallic tags numbered to correspond with the number of the receipt of the dog to each person having paid the tax upon such dog.

Section 4. It shall be the duty of the Poundmaster of the city of Fort Wayne to take up and impound all dogs running at large contrary to any of the provisions of this ordinance in such suitable house or place as may be designated by the Board of Public works. The maintainance of such place or places and all cost connected with the impounding of any dog shall be paid out of a fund appropriated to the Poundmaster created for the use of the Department of Public works for such purpose.

Section 5. The said Poundmaster under the direction of the Board of Public works shall immediately upon receiving or impounding any dog whether licensed or unlicensed cause notice to be posted in the City Hall Pound and Police Stations describing breed color and sex of such dog so impounded. and if the owner does not redeem such dog so impounded within three days after publication. then any person shall have the right to redeem such dog. And if no person shall redeem such impounded dog within six days after Publication then the Poundmaster shall cause such dog to be distroyed. Every person redeeming an unlicensed impounded dog shall pay into the City Treasurer a redemption fee of $1.00 together with the fee of fifty cents for a tag. The cost of advertising and the cost of keeping such impounded dog not to exceed twenty five cents per day. and upon procuring a certificate from the city Comptroller stating that all of said amounts have been paid then the Poundmaster shall deliver such dog to the person so redeeming any dog for which a tag has been obtained which may be impounded for being at large without a collar and tag (if it shall be made to appear to the satisfaction of the City Comptroller by affidavit of the owner or keeper or by any other sufficient testimony that a tag for such dog was procured and the collar put around its neck with tag attached as provided in this ordinance but that such collar or tag has been accidentally lost

may be redeemed upon the payment to the City Treasurer for the use of the City the cost of keeping such impounded dog not to exceed twenty five cents per day and the payment of twenty five cents for a new tag and the City Comptroller shall cancel of record the number of the tag formerly given to such dog and shall deliver to the person redeeming such dog said new tag having a new number thereon.

Section 6:- If any dog is found running at large contrary to any of the provisions of this ordinance which cannot be safely taken up the Poundmaster shall immediately report such fact to the Mayor and if the Mayor finds after investigating the matter that it would be unsafe for any person to attempt to take up and impound such fierce and dangerous dog he shall order such dog to be distroyed. No dog shall be subject to molestation under this ordinance while on the premises of its owner or keeper and any officer of the City of Fort Wayne or other person who shall invade the private premises to capture, entice or take up any dog out of any enclosure of the possessor of such dog or who shall molest or seize any dog while held or led by a cord or chain or leash shall bring into the City any dog for the purpose of taking up and impounding the same shall upon conviction be fined in any sum not to exceed twenty five dollars

Section 7:- If the owner or keeper of any fierce or dangerous dog whether licensed or unlicensed shall permit such dog to be at large in the streets of the City of Fort Wayne or upon any public place or upon the private premises of any other person than the owner and if such dog shall annoy and endanger any person thereon the owner or keeper thereof shall upon conviction be fined in any sum not to exceed five dollars and upon the second or further conviction of the same offense a fine not exceeding ten dollars shall be paid and it may be a part of the sentence upon such second conviction that such fierce and dangerous dog be immediately killed and the sentence shall be forthwith executed by the Poundmaster

section 8:- Whenever complaint shall be made and filed with the Mayor setting forth that any dog is in the habit of disturbing the quiet of any person or neighborhood and that the person so writing was not at the time trespassing upon the premises or property of the owner or keeper of such dog the Mayor shall issue a summons directed to any Police Officer which summons shall be returnable forthwith and upon the return of such summons the Mayor shall proceed to hear and determine the matter and if it shall appear that such dog is in the habit of disturbing any person or neighborhood and that it did disturb the person or neighborhood and that the person bitten by such dog was not at the time trespassing upon the premises or property of the owner or keeper of such dog the Mayor shall order said dog to be removed or killed and shall issue an order to the owner or keeper of such dog to remove or kill it within twenty four hours from the time of receiving a copy of such order. The owner or keeper of any such dog who shall refuse or neglect to remove or kill or cause to be removed or killed such dog within twenty four hours after receiving a copy of said order from the Mayor aforesaid shall be fined in a sum not exceeding five dollars and the Mayor shall immediately order the Pondmaster to kill such dog

section 9:- The word "dog" wherever used in this ordinance shall be intended to mean a female as well as a male dog

section 10:- All ordinances or parts of ordinances in conflict herewith or are inconsistent with the provisions of this ordinance are hereby repealed

section 11:- This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the Publication of the same once each week for two consecutive weeks in a daily newspaper of general

circulation printed and published in the City of Fort-Wayne Indiana

Done at the Council Chamber in the City of Fort Wayne Ind this the 9th day of July 1895

Attest
[illegible]
City Clerk

Approved July 10-1895
C. B. Cosgrove
Mayor

General Ordinance No 36

An ordinance confirming ratifying and approving
Introduced by W. H. Tigar
a certain contract entered into on the 8th day of July 1895 by and between the City of Fort Wayne through its Board of Public works and W. J. Willis for a Sipon Crematory

Section 1:- Be it ordained By the Common Council of the City of Fort Wayne Ind that a certain contract entered into on the 8th day of July 1895 by and between the City of Fort Wayne through its Board of Public works and W. J. Willis of Tindlay Ohio for the Erection and completion of a Sipon Garbage Crematory and Building be ratified and the same is hereby confirmed approved provided that said W. J. Willis shall execute unto the City of Fort Wayne a good and sufficient bond to be approved by the Board of Public works in the penal sum of three thousand dollars ($3000) conditioned that he the said Willis will save said City harmless from any defective title to any materials used in the construction of said Building or Crematon and Conditioned that he will carry out all things to be done and performed by him under the conditions and terms of said Contract

Section 2:- This ordinance shall be in full force and effect from and after its passage and approval by the Mayor

Done at the Council Chamber in the City of Fort Wayne this the 10th day of July 1895

Attest
W. J. Jeffries
City Clerk

Approved July 11th 1895
C. B. Markley
Mayor

General Ordinance No 37

An ordinance fixing the tax levy for City and School purposes for the year 1895

Section 1. Be it ordained by the Common Council of the City of Fort Wayne that $1.05 upon each $100. of assessed valuation of all the property within the corporate limits of the City of Fort Wayne be made for the year 1895. Also that there shall be collected of each male inhabitant liable by law a tax of $2.00 all the money derived from said levy to be appropriated and used for the following purposes.

For sinking fund	$0.05
For Bond fund	.02½
For Water Works	.10
For Permanent improvement fund	.01
For General Purposes	.80
Interest fund	.07½

Section 2:- That a tax of $0.15 upon each $100 of assessed valuation of all the property within the corporate limits of the City of Fort Wayne be made for the year 1895. Also that there shall be collected of each male inhabitant liable by law a poll tax of $0.50. All of the money derived from said ninety cents and poll tax shall be levied and appropriated to the special school fund

Section 3:- That all of said taxes shall be collected in semi-annual instalments

Section 4. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Passed at the Council Chamber in the City of Fort Wayne this the 30th day of April 1895

Attest
W. J. Jefferies
City

I approve all the foregoing General Ordinance No 37 with the exception of the Item of 10¢ upon each $100.00 Valuation levied in said Ordinance

in water works purposes. This item of 10¢ levied for water works. & Disappears.

Witness my hand and seal this the 30th day of September 1872

C. B. Darby
Mayor

General Ordinance No 38

Introduced by Paul & Ph

An ordinance Authorizing and empowering the City Comptroller to pay out all trust funds. Monies raised by Special tax levy including firemens Pension fund and all monies belonging to other persons. Corporations and Companies. other than the City of Fort Wayne which may come into his hands by virtue of his office said Monies to be paid out for the purposes for which they are to be devoted. at the proper time and according to Law

Section 1: Be it ordained by the Common Council of the City of Fort Wayne that the City Comptroller be and he is hereby authorized and empowered to pay out to the proper persons at the proper time and in the manner provided by Law all monies raised by Special tax levy including Firemens Pension fund for the year 1895. all trust funds and all monies belonging to other persons corporations and companies other than the City of Fort Wayne which may be now in hands or which may hereafter come into the hands of said Comptroller by virtue of his office.

Section 2: all ordinances or parts of ordinance in conflict herewith are hereby repealed

Section 3: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor

Given at the Council Chamber in the City of Fort Wayne this the 8th day of Oct 1895

Attest
W. J. Jeffries
City Clerk

Approved Oct 9th 1895
C. B. Ouiatt
Mayor

General Ordinance No 39

An Ordinance making Swinney's extended addition a part of the fifth ward of the City of Fort Wayne Ind.

Ordinance of [illegible]

Section 1: Be it ordained By the Common Council of the City of Fort Wayne that all of the territory known as Swinneys extended addition to the City of Fort Wayne Indiana is annexed to and made part of the fifth ward of the City of Fort Wayne Indiana. Said territory being more particularly described as follows:-

Commencing at the center of Nelson Street at the intersection with the south line of the right of way of the Pittsburg. Fort Wayne & Chicago Railway Company: thence west to the west line of Swinneys Extended addition: thence south to the center of Taylor Street; thence East to the center of Metz Street thence north to Stophlet Street; thence north to the place of beginning. All of said Section being situated in Allen County Indiana, and having been annexed to said city Sept 25th 1894.

Section 2: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Passed at the Council Chamber in the City of Fort Wayne this 26th day of Nov 1895

Attest:-
H. C. Jeffries
[illegible]

Approved Nov 27th 1895
Lo. B. Oakley
Mayor.

General Ordinance No 40

An ordinance Making Fleming and Esmonde additions a part of the seventh ward of the City of Fort Wayne Ind

Introduced by G. H. Leach

Section 1: Be it ordained By the Common Council of the City of Fort Wayne that all of the territory known as Fleming & Esmonde's addition to the City of Fort Wayne Indiana, be annexed to and made a part of the seventh ward of said city, said territory being more particularly described as follows:

Commencing at the center of Lafayette street east of the east line of Lot No 1 Fleming and Esmonde addition. thence south to the center of Grace street. thence west to the center of Webster street thence north to the center of Grace street thence east to the place of beginning the said territory being situated in Allen County Indiana and hereby annexed to said city on the 8th day of Oct 894

Section 2: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor

Read at the Council Chamber in the City of Fort Wayne this the 26th day of Nov 1895

Attest
H. C. Carpenter
City Clerk

Approved Nov 27th 1895
C. B. Cutshall
Mayor

General Ordinance No 4

Annexation of territory N. of City

An ordinance annexing to the City of Fort Wayne the contiguous territory lying directly north of the present City limits and extending north to the present limits which follow the meanderings of the Maumee river on the north side thereof: and extending in a western direction from a point where Columbia street intersects said Maumee river to Glasgow avenue extended for the publication of said ordinance at least two consecutive weeks in a daily newspaper of General Circulation printed and published in said City.

Section 1: Be it ordained By the Common Council of the City of Fort Wayne Indiana that all the following described contiguous territory be annexed to and become a part of said City: Commencing at the intersection of Columbia street with the Maumee river Thence following the meanderings of the Maumee river to its intersection with Glasgow avenue: Thence South-west on Glasgow avenue to its intersection with the present City limits thence in a western direction following the line of the present City limits to the place of beginning. All of said territory being situated in Allen County, Indiana and lying directly contiguous to the present limits of said City

Section 2: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the publication of the same once each week for two consecutive weeks in a daily newspaper of general circulation printed and published in the City of Fort Wayne

Published in Fort Wayne Gazette Dec 14 & 21 - 95

Done at the Council Chamber in the City of Fort Wayne and this the 12th day of Dec 1895

Attest:
W. C. Jeffries
City Clerk

Approved Dec 12-1895
L. B. Oakley

General Ordinance No 72

An ordinance changing the name of Ninth Street Avenue to Swinney Avenue

Introduced by Henry Zeild

Section 1: Be it ordained by the Common Council of the City of Fort Wayne Indiana that the name of the street in Edsalls Addition known as Ninth Street Avenue be changed and hereafter be known and designated by the name of Swinney Avenue"

Section 2: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Passed by the Common Council of the City of Fort Wayne Ind this the 10th day of Dec. 1895

Attest

Approved this 12 day of Dec

General Ordinance No 43

Ordinance requiring all persons owning property abutting on streets and having a grade higher than the sidewalk directly contiguous thereto, to place said property in such a condition as to prevent the ground abutting on the sidewalk from washing down, over and on the sidewalk; Providing a penalty for the violation of this ordinance

Section 1: Be it ordained. By the Common Council of the City of Fort Wayne. that it shall be the duty of all persons. companies corporations owning property abutting on any Street. alleys or public places in the City of Fort Wayne said property having a grade higher and above the sidewalk Street Alley or Public Place lying directly contiguous thereto. to either sod said abutting property or in some manner place the same in such a condition as to prevent said contiguous ground from washing down, over and along the said sidewalk Street Alley or Public Place.

Section 2: Any person failing to comply with the provisions of this ordinance shall be deemed guilty of maintaining a nuisance and upon conviction shall be fined in any sum not exceeding five dollars ($5.00) and each days continuance in violation of the provisions of this ordinance shall be deemed to constitute a separate offence.

Section 3: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor: and the publication of the same once each week for two consecutive weeks in a daily newspaper of general circulation printed and published in the City of Fort Wayne Indiana

Done at the Council Chamber in the City of Fort Wayne Ind. This the 3rd day of Dec 1896

Attest
W. T. Jefferies
City Clerk

Approved Dec 12 - 1896
C. B. Ouk Mayor

Special Ordinance No --

An ordinance [illegible] to [illegible] [illegible] [illegible]

General Ordinance No 45

Introduced by

An ordinance regulating the use and maintenance of poles in and upon the streets alleys and public places in the City of Fort Wayne by Telegraph Telephone electric light railway Street railway and other Companies Corporations firms and individuals providing a license and repealing all ordinances in conflict therewith.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne that no Telegraph or Telephone line or electric light railway Street railway and other Companies Corporations or individuals shall be erected or maintained in the streets alleys and other public places in the City of Fort Wayne unless a license therefor shall first be obtained from the City Comptroller of said City of Fort Wayne.

Section 2: It shall be the duty of every Telegraph Telephone Electric light railway Street railway and all other Companies Corporations firms and individuals having poles in the streets alleys and other public places in the City of Fort Wayne to file with the said Comptroller on the first Monday of March in every year a statement in writing under oath showing the whole number of poles owned by them in the streets alleys and other public places in the City of Fort Wayne

Published in the Ft Wayne evening Post Jan 18 + 25-1896

Section 3: It shall further be the duty of said Companies Corporations firms and individuals to make a chart showing the streets alleys and other public places in the City of Fort Wayne wherein are located the poles enumerated in the statement herein provided and indicate accurately the position of each of said poles and file the same as a part of said statement.

Section 4: It shall be lawful for the Board of Public Works to cut down and remove at any time after said statements and charts are filed all poles not returned as herein provided

section 5. And the said Corporation and individuals shall on the first Monday of March in each year make application to the Board of Commissioners for a license to maintain the poles owned by them, on the streets, alleys, and other public places, in said City for the ensuing year.

section 6. Said Commissioners Corporations and individuals shall pay into the City treasury for the use of said City of Fort Wayne on the first Monday of March the sum of one dollar annually for each and every pole for which a license shall be granted in accordance with the provisions of this ordinance.

section 7. Said Board of Commissioners shall not be satisfied as to the correctness of any statements so made by any Company Corporation firm or individual or shall have the power to appoint two disinterested persons, said Company and Corporation and individuals to appear before them and be sworn and take and answer to an examination concerning said matters, & shall then be ascertained & the said Board of Commissioners of the said County, & in case the said Corporation, Company, firm or individual in order to pay into the City treasury the difference ascertained by said examination.

section 8. Any Company, Corporation, firm or individual violating any of the provisions of this ordinance shall upon conviction thereof, be fined in any sum not exceeding one hundred dollars, nor less than five dollars and each days default in complying with same as hereinbefore provided shall constitute a separate offense.

section 9. All ordinances or parts of ordinances, resolutions heretofore made or ordained and passed which are inconsistent with the provisions of this ordinance are hereby repealed.

section 10. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the publication of the same once each week for two consecutive weeks in a daily newspaper of General circulation printed and published in the City of Fort Wayne Indiana

were at the council chamber in the city of Fort-Wayne this the 4th day of Jan 1896

Attest
N. J. Jeffries

Approved Jany 17-1896
Lo. B. Oakley
Mayor

General Ordinance No 46

An ordinance licensing persons in the occupation of flushing sewers, and drains, water pipes and other pipes by steam pressure system the City of Fort Wayne Indiana

Section 1. Be it ordained by the Common Council of the City of Fort Wayne, that it shall be unlawful for any person or persons, firm, company or corporation to engage in the occupation of flushing sewers, water pipes, gas pipes and drains by steam pressure system in the City of Fort Wayne, Indiana, without first having procured a license therefor as hereinafter provided;

Section 2. Any person or persons, firm, company or corporation desiring to engage in the occupation of flushing sewers, water pipes, gas pipes and drains by steam pressure system in the City of Fort Wayne, Indiana, shall make application to the Board of Public Works, and shall file with said Board a bond in the penal sum of Five Hundred Dollars, with two or more sureties, to be approved by said Board, conditioned that such person or persons, firm, company or corporation will indemnify and save harmless the City of Fort Wayne from all damages that may be caused by the operations of such person or persons, firm, company or corporation, and shall also file with said Board a certificate of insurance in the sum of Five Thousand Dollars

Section 5th Any person who shall violate any of the provisions of this ordinance shall upon conviction be fined in any sum not exceeding ten dollars ($10.00)

Section 6th This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the publication of the same once each week for two consecutive weeks in a daily newspaper of General circulation printed and published in the City of Fort Wayne

Done at the Council Chamber in the City of Fort Wayne Ind this the 28th day of Jany 1896

Attest
T. J. Jefferies
Clerk

Approved Jany 31-1896
C. B. Buckley
Mayor

General Ordinance No 4

An ordinance re-districting all the territory within the corporate limits of the City of Ft Wayne into wards. defining and describing the boundaries thereof, and designating the same by numbers

Be it ordained by the Common Council of the City of Fort Wayne that all territory now lying within the corporate limits of the City of Fort Wayne shall be and the same is hereby divided into seven wards to consist of the following described territory according to their numbers and their respective descriptions and boundaries as follows, to-wit:-

First Ward. Commencing at the intersection of the Maumee river with the center line of Harmer Street produced north. Thence south on the center line of Harmer Street produced north to Harmer Street thence south on the center line of Harmer Street to the center line of Hayden Street. Thence east on the center line of Hayden Street to center line of Gay Street; thence south on the center line of Gay Street to the Pittsburg Fort Wayne and Chicago Railway Thence westerly following the line of the Pittsburg Fort Wayne & Chicago Railway to its intersection with the center line of ~~Gay~~ Clay Street. Thence north along the center line of Clay Street to the north line of Columbia Street. Thence north along the center line of Clay Street produced north to the St Marys river. Thence following the meanderings of the St Marys and Maumee rivers to the center line of Harmer Street produced north. and also all of Lakeside park addition

Published in the Ft Wayne Evening Post Feb 1 and 8 1896

Second Ward Commencing at the intersection of the St Marys river with the center line of Clay Street produced north; thence south on the center line of Clay Street produced to the Columbia Street thence east on the center line of Clay Street to Pittsburg Fort Wayne and Chicago Railway Thence west following the line of the Pittsburg Fort Wayne and Chicago Railway to its intersection with the center line of Calhoun Street. thence north on center line of Calhoun Street to its intersection

[illegible] thence following the [illegible] of said Bay to the center line of Elm street produced north

Fifth Ward Commencing at the intersection of the center line of Elm street with the bay shore thence along the bay shore to the center line of Butler street produced north thence south on the center line of Butler street to the center line of Baker street thence west on the center line of Baker street to the center line of McClellan street thence south on the center line of McClellan street to Chicago street thence west on Chicago street to its intersection with the center line of Hoagland avenue produced north thence south on the center line of Hoagland avenue produced north to the south line of the right of way of the Wabash Railway thence south on the center line of Hoagland avenue to the center line of Butler street thence west on the center line of Butler street to the center line of Fairfield ave

thence south on the center line of Fairfield Avenue to the center line of Poplar Street: thence west on the center line of Poplar Street to the west line of Oakley Street: thence west in the alley on the South line of Rinnies second addition to Poplar Street thence west on the center line of Poplar Street to center line of Fox Street. thence south to the first alley north of Lettald Street thence west in said alley to the center line of Broadway: thence north following the center line of Broadway to the New York Chicago & St Louis Railroad thence following the line of the New York Chicago & St Louis Railroad to the center line of Van Buren Street thence north on the center line of Van Buren Street to the intersection with the St Marys river. thence following the meanderings of the St Marys river to its intersection with the center line of Webster Street

Fifth Ward Commencing at the intersection of the St Marys river with the center line of Van Buren St thence South on the center line of Van Buren Street to the New York Chicago & St Louis Railway thence east along the line of the New York Chicago & St Louis Railway to its intersection with the center line of Broadway. thence south along the center line of Broadway to the [illegible] Fort Wayne & Chicago Railway. thence east along the Pittsburg Fort Wayne & Chicago Railway to the City limits thence following the line of the City limits to its intersection with the New York Chicago & St Louis railway. thence following the line of the New York Chicago & St Louis Railway to the St Marys river thence following the meanderings of the St Marys river to the intersection with the center line of Van Buren Street

Sixth Ward Commencing at the intersection of Columbus and Center Streets. thence west on the center line of Columbus Street to the center line of Ferris Street. thence west on the center line Ferris Street to center line of [illegible] thence south on the center line of Broadway thence to Beechwood Avenue (so called) thence west on the center line of Beechwood Avenue to the St Marys river. thence following the meanderings of the St Marys river to the City limits: thence east and north following the line of the City limits to the Pittsburg Fort Wayne and Chicago Railway thence east

along the line of the Pittsburg Fort Wayne & Chicago Railway to its intersection with the center line of Broadway: thence South along the center line of Broadway to the East alley [illegible] of McDonald Street: thence east [illegible] to the line of said alley to the center line of Fox Street: thence north to the center line of Poplar Street: thence east on center line of Poplar Street to the alley on the South line of Hindis Second addition: thence east in said alley to Oakley Street: thence east on center line [illegible] to center line of Fairfield Avenue: thence south along center line of Fairfield Avenue to the center line of Center Street: thence east on center line of Center Street to its intersection with the center line of Calhoun Street

[illegible] at the intersection of the Pittsburg Fort Wayne & Chicago Railway with the center line of Hanna Street: thence south on center line of Hanna Street to the line of the City limits on the west of Hanna Street. thence westerly following the south line of the City limits to the center line of Calhoun Street. thence North on the center line of Calhoun Street to its intersection with the Pittsburg Fort Wayne & Chicago Railway. thence east following the line of the Pittsburg Fort Wayne and Chicago Railway to its intersection with the center line of Hanna Street.

Eighth Ward. Commencing at the intersection of the Maumee river and Glasgow Ave: thence South along the line of Glasgow Avenue to Maumee road thence west on Maumee road to the City limits thence south on the line of City limits to Wayne Trace (so called) thence north west on Wayne Trace to the center line of Walton Ave: thence North on the center line of Walton Avenue to the Wabash Railway. thence west following the line of the Wabash Railway to its intersection with the center of Gay Street. thence north on the center line of Gay Street to the center line of Hayden Street. thence west on center line of Hayden Street to center line of Harmer Street. thence north on center line of Harmer Street to the New York Chicago and St Louis Railway. thence North on the center line of Harmer Street produced north to the Maumee river. thence following the meanderings of the Maumee

Lease of the [illegible] Mineral in the City of [illegible] to the [illegible]

Approved January 31-1896
C. B. [illegible]

General Ordinance No 48

An Ordinance [illegible] a contract entered into by the City of Fort Wayne on the 14th day of June 1886 with the Home Telephone and Telegraph Company. Said contract granting privileges to erect and maintain Telephone and Telegraph Systems within said City

Introduced by Paul E Wolf.

Section 1: Be it ordained By the Common Council of the City of Fort Wayne Ind. That a certain contract made and entered into by the City of Fort Wayne through its Board of Public Works on the 14th day of June 1886 with the Home Telephone and Telegraph Company for erection and maintenance of Telephone and Telegraph systems within said City be confirmed as amended and the same is hereby approved and ratified.

Section 2: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor

Done at the Council Chamber in the City of Fort Wayne this [illegible] day of [illegible] 1886.

[illegible]

Approved June 21st 1886
C. K. Colerick

General Ordinance No 7

An ordinance prohibiting the sale of vegetables provisions meats and other articles of food on the Harrison Street market at retail

Introduced by [illegible]

Section 1: Be it ordained, By the Common Council of the City of Fort Wayne, that it shall be unlawful for any person or persons to sell at any time on Harrison Street market any vegetables, poultry, meats or any articles or thing whatsoever for any use other than to be re-sold to the consumer.

Section 2: Any person violating any of the provisions of this ordinance shall upon conviction forfeit and pay a fine of not more than five dollars ($5.00) nor less than one dollar ($1.00)

Section 3: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the publication of the same once each week for two consecutive weeks in a daily newspaper of General circulation, printed and published in the City of Fort Wayne Ind

Published in Fort Wayne Gazette Fort Wayne Ind.

Done at the Council Chamber in the City of Fort Wayne Ind this the 10th day of March 1896

Attest
N. J. Jefferies
City Clerk

Approved March 13-1896
L. B. Oakley
Mayor

General Ordinance No 50

An ordinance annexing to the corporate limits of the City of Fort Wayne all of the Lands known as the Roman Catholic Orphan Asylum grounds

Introduced by E. H McDonald

Section 1 Be it ordained by the Common Council of the City of Fort Wayne that the following described territory be annexed to and become part of said City

All that part of lot No 8 Wells reserve situated in Township 31. Range 12. East Allen County Indiana lying north of the bed of the old feeder canal and east of Wells Street. excepting a piece of ground with a frontage of 380 feet on Wells Street by 318 feet deep situated in the S. W. corner of said lot No 8.

All of said territory situated in Allen County Indiana and lying directly contiguous to the present City limits of said City

Section 2: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the publication of the same once each week for two consecutive weeks in a daily newspaper of general circulation printed and published in the City of Fort Wayne

Published in Fort Wayne evening Post Mar 28th and Apr 4th - 89

Done at the Council Chamber in the City of Ft Wayne Indiana this the 24th day of Mar 1896

Attest
W. C. Jefferies
City Clerk

Approved March 26-1896
C. B. Oakley
Mayor

General Ordinance No 51

Introduced

An ordinance regulating the use and maintenance of pipes or pipe lines in, along or under the streets, alleys and public places in the City of Fort Wayne for supplying and conducting artificial and natural gas, providing a license therefor, fixing the fee to be paid for said license, and repealing all ordinances in conflict herewith.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, that pipes or pipe lines shall not be maintained or used in, along or under any of the streets, alleys or public places in the City of Fort Wayne by any Company, Corporation, firm or individual for supplying and conducting artificial and natural gas, unless a license therefor shall be obtained from the City Comptroller of the City of Fort Wayne.

Section 2: All said Companies, Corporations, firms and individuals, shall file with the City Comptroller on the first monday in may in every year, a statement in writing under oath, of the location, character and length of all pipes or pipe lines owned by them in, along or under any of the streets, alleys or public places in the City of Fort Wayne

Section 3: It shall further be the duty of said Companies, Corporations, firms and individuals to make a chart showing the street, alleys and other public places in the City of Fort Wayne wherein are located the pipes or pipe lines owned by them, and indicate accurately thereon the position of each of said pipes or pipe lines and file the same with the statement herein provided

Section 4th Said Companies, Corporations, firms and individuals shall on the first monday of May in every year make application to the said City Comptroller for a license to use and maintain the pipes or pipe lines owned by them in, along or under the streets, alleys or other public places in the City of Fort Wayne for the ensuing year.

Section 5th Said Companies. Corporations. firms and individuals shall pay into the City Treasury for the use of the City of Fort Wayne on the said first Monday of May annually. the sum of one fourth (¼) cent per lineal foot for each pipe or pipe lines for which a license shall be granted in accordance with the provisions of this ordinance

Section 6th If said City Comptroller shall not be satisfied as to the correctness of any statement so made by any Company Corporation, firm or individual he shall have the power to require the principle officer or any officer of said Companies Corporations. firms and individuals to appear before him with books and papers and submit to an examination concerning said matter

Section 7th Any Company. Corporation firm or individual violating any of the provisions of this ordinance shall upon conviction thereof be fined in any sum not exceeding twenty five dollars. nor less than five dollars and each days default in procuring said license as hereinbefore provided. shall constitute a separate offense

Section 8th All ordinances or parts of ordinances or resolutions heretofore made or ordained and passed which are inconsistent with the provisions of this ordinance are hereby repealed

Section 9th This ordinance shall be in full force and effect from and after its passage and approval by the Mayor. and the publication of the same once each week for two consecutive weeks in a daily newspaper of General circulation printed and published in the City of Fort Wayne

Published in Fort Wayne weekly Post mar 28th & apr 4th - 1896

Done at the Council Chamber in the City of Ft Wayne this the 24th day of March 1896

Attest
W. J. Jeffries
City Clerk

Approved March 26-1896
L. B. Oakley
Mayor

General Ordinance No 52.

Introduced by E. H. McDonald

An ordinance regulating wholesaling and retailing of provisions and to sell of goods upon the Barr street market, and providing a penalty for the violation of any of the provisions of this ordinance

Section 1: Be it ordained. By the Common Council of the City of Fort Wayne Indiana that all of that portion of Barr Street between main street and Washington Street, be used as a public market in said City subject to the following provisions in this ordinance contained:

Section 2: All articles intended and held for sale on said market may be offered for sale at retail on every morning of the week except Sunday from daylight until 5 O'clock A. M. of each day.

Section 3: That it shall be the duty of the Market Master to superintend said market and keep it thoroughly clean and in good order and report to the Board of Public works of said City improvements or alterations in or about such market as may be deemed necessary. He shall during the hours fixed for the retailing of the provisions in section 2 of this ordinance, be in constant attendance and preserve good order during said retailing market hours. He shall see that no imposition is practiced by seller or buyer: cause the market vehicles to be so placed in the market space as best subserve the public generally: take charge of, safely keep the weights and measures belonging to the City for market purposes only using them or suffering them to be used when testing any weights or measures employed by sellers in such market. He shall prevent or remove all obstructions or nuisances ready to exist or actually existing in the same: direct, arrange and adjust the stands and situations for the sale of all articles not sold from wagons or rented stalls or stands: He shall prescribe the kind of stands to be used and all other appliances in and about the market to be used for the placing of provisions thereon, and for the removal of the same. he shall especially see that all of the provisions of this or any other ordinance passed in regard to said Market

be faithfully complied with. and that all violations of the same be prosecuted before the Mayor. and to enable said market master to discharge the duties imposed upon him hereby, he is hereby invested with the powers of a police of said City

It shall be the duty of the market master on the first saturday of June in each year to sell at auction on said market to the highest bidder for cash the right to occupy each stall or stand in said market from daylight until 10 O'clock A. M.. as provided in section 2 of this ordinance for the ensuing year for the purpose of selling or offering for sale at retail provisions or other articles of food subject however to all the provisions of this ordinance.

and it shall be the duty of said market master to give to each purchaser of such right a certificate of such purchase with the name of purchaser the amount paid and the number of the stall or stand and the size of the space to be occupied by such purchaser for the purposes aforesaid

Section 4th the renting of all stalls and stands as herein provided is upon express condition that whenever any of said rented stalls or stands are not used for the purposes herein intended it shall be lawful for the market master to assign any other seller the the use of such stall or stand while not used by the renter

Section 5. It shall be the duty of the market master to assign any person who shall desire it for the purpose of selling at retail his wares or produce. any stall or stand not rented or occupied and collect therefor and the use of the City the sum of ten cents per day

Section 6. It shall be the duty of every butcher & occupant of any stall or stand to be thoroughly cleaned and all animal or vegetable rubbish there deposited by him to be cleared away from such market stall.

Section 7. No provisions or articles of food shall be sold at wholesale on said market from daylight until 10 O'clock A.M. of each day and it shall be unlawful for any Grocer provision dealer or other person to buy on said Market during such hours before 10 O'clock A.M. any article or thing whatsoever for any otherwise than that of his own family.

Section 8: After 10 O'clock a. M. of each week day it shall be lawful for any person to sell on said Market at wholesale any provision or articles of food. and the Market Master is hereby directed to make no charge for the privilege of selling at wholesale on said Market after 10 O'clock of each morning.

Section 9: That all articles usually sold by weight or measure shall be sold on said Market by weight or measure to be regulated by the established Standard of the State of Indiana

Section 10: That the Market Master shall have in his keeping all scales weights and measures belonging to the City and use for market purposes and deliver the same over to his successor

It shall be unlawful for any person to sell or offer for sale any article on said Market by weight except by weighing the same with scales & weights approved by the Market Master.

Section 11: It shall be unlawful for any person to sell or offer to sell any article on said Market by false weights or by means of any scales or weights not Governed by the standard of the State

Section 12: It shall be unlawful for any person to sell or offer to sell on said Market any article by dry measurement otherwise than in a vertical measure or one of uniform circumference from bottom to top.

Section 13: It shall be unlawful for any person to sell or offer or expose for sale on said Market any butter in lumps or rolls unless each of such lumps or rolls be of some specified weight. And if any person shall sell or offer or exhibit for sale any such lumps or rolls on said Market and on examination the same shall fall short of such specified weight the owner of such butter or person exhibiting the same for sale shall be subject to a fine as herein provided.

Section 14: It shall be the duty of the Market Master whenever he may suspect or be informed that any butter or article of provision offered or exhibited for sale on said Market and purporting to be of a specified weight or quantity, is deficient in the weight or measure to try the same and if upon such trial it should prove to be deficient

in the weight or measure he shall cause the arrest of such article of provision to be prosecuted before the Mayor of said City for violation of the provisions of this ordinance

Section 5: It shall be unlawful for any person or persons to permit or allow any cart wagon or dray or other vehicle or any horse or other animal to remain in the street or places in front or around said Market during Market hours, except such vehicle or animal as may be employed in bringing provisions and other articles to and from said Market, which animals and vehicles shall still the regulation of said Market be under the direction of the Market Master: and the owner or person having charge of such vehicles and animals respectfully shall place and arrange the same as the Market Master may from time to time direct

Section 16: After the second Saturday of June in each year it shall be the duty of the Market Master to report to the Clerk of the Board of Public Safety all Stalls and Stands in said Market leased and occupied with the names of such lessees or occupants and all Stalls and Stands unoccupied and the amount received therefor: and it shall be the further duty of the Market Master during the year to make a weekly report to the Clerk of the said Board of Public Safety of all monies received by him for the renting of Stalls or Stands or from other sources

and it shall be the duty of the Clerk of said Board to look over and audit said report and give to said Market Master an order on the Comptroller stating the exact amount of money due the City as shown by the report and the Market Master shall forthwith deposit in the Treasury of said City said money so reported by him and receive a quietus therefor

Section 17: All ordinances or parts of ordinances in conflict herewith are hereby repealed

Section 18: Any person violating any of the provisions of this ordinance shall upon conviction be fined in any sum not exceeding one hundred dollars

Section 4th. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor, and the publication of the same one week in two consecutive weeks in a daily newspaper of general circulation printed and published in the City of Fort Wayne

Done at the Council Chamber in the City of Fort Wayne this the 4th day of April 1896

Attest:
Jno. Jefferies
City Clerk

Approved April 16-1896
C. B. Ashley
Mayor

General Ordinance No 53.

An Ordinance to license, tax and regulate the Sale of Cigarettes within the City of Fort Wayne

Sec 1. Be it ordained by the Common Council of the City of Fort Wayne, that after August 30. 1896, it shall be unlawfull to engage in the busines of Selling Cigarettes or to sell any Cigarettes within the City of Fort Wayne Without having a license therefor.

Sec 2 The price of Such license shall be Five Hundred Dollars ($500.00) per year, payable in advance.

Sec 3. Any person desiring Such license shall pay to the City treasurer the price therefor, and on Such payment it Shall be the duty of the treasurer to issue to Such person a receipt Showing the amount and date of payment and the purchase for which the Same was paid. On presentation of Such receipt to the Comptroller he Shall thereupon issue a License for the period of one year. No license Shall be issued for a period less than one year, and no license Shall be transferable.

Sec 4. Any person who Shall engage in the busines of Selling Cigarettes, or who Shall Sell any Cigarettes within the Said City, Without having a license therefor, after Said date, or who Shall Violate any of the provisions of this ordinance, Shall be fined in any Sum not less than one or more than One hundred Dollars

Frank Durell
Frank X. Schneider
W. M. Glenn

Passed in the Council Chamber in the City of Fort Wayne this 8th day of June 1896.

Attest
Henry B. Morning

General Ordinance No 54.

An Ordinance authorizing the employment of Certain Clerks, assistants and employes, fixing the Compensation, Salaries and Wages of Certain officers, Clerks and employes of the City of Fort Wayne, Indiana repealing Conflicting Ordinances, and fixing the time when this Ordinance shall take effect

Be it ordained by the Common Council of the City of Fort Wayne Indiana, That the officers, Clerks, assistants and employes of the City of Fort Wayne Indiana, shall respectively receive the Compensation, Salaries and Wages as hereinafter in this Ordinance provided. The employment of such Clerks and assistants as are hereinafter named is hereby authorized and the Compensations and Salaries of such clerks and assistants are hereby fixed at the sums and amounts respectively named for said Clerks and assistants.

Sec 1 For the department of Public Works:

It appearing to the satisfaction of the Common Council of the City of Fort Wayne Indiana, That it is necessary that the Civil Engineer should have a deputy the board of Public Works is hereby authorized to employ a deputy City Civil Engineer, and said deputy shall receive a Salary at the rate of $85.00 per Month. The Civil Engineer shall receive a Salary of $2000.00 per year.

Stenographer shall receive a Salary at the rate of $30.00 per month.

The Superintendent of Street repairs shall receive a Salary at the rate of $75.00 per Month.

Foreman of Street repairs shall receive a Salary at the rate of $60.00 per month during actual employment.

The Janitor for the City Hall shall receive a Salary at the rate of $50.00 per month.

The Assistant Janitor for the City Hall shall receive a Salary at the rate of $20.00 per month.

The Custodian of Parks shall receive a Salary at the rate of $60.00 per month.

Sec 3. For the Department of Public Safety.

1 For the Markets

The Market Master shall receive a Salary at the rate of $35.00 per month, while Markets is open 6 days in week

The City Pound Master shall receive a Salary at the rate of $40. per month

The City Weighmaster shall receive a Salary at the rate of $65. per [illegible]

2 For the Department of Police.

The Superintendant of Police shall receive a Salary at the rate of $1100.000/100 per annum

The Captain of Police shall receive a Salary at the rate of $900.00/100 per annum.

The Lieutenant of Police shall receive a Salary at the rate of $840.00 per annum.

The Sergeant of Police shall receive a Salary at the rate of $800.00 per annum

The Patrolman shall receive a Salary at the rate of $60.00 per month.

The Patrol drivers shall receive a Salary at the rate of $50.00 per month.

The Station Clerk shall receive a Salary at the rate of $40.00 per month.

The Electrician shall receive a Salary at the rate of $35.00 per month.

The Mechanic Officer shall receive a Salary at the rate of $35.00 per month.

3 For the Fire Department

The Chief of the Fire force shall receive a Salary at the rate of $1200.00 per annum

The Engineers shall each receive a Salary at the rate of $75.00 per month.

The Captains shall each receive a Salary at the rate of $65.00 per month.

The Electrician shall receive a Salary at the rate of $50.00 per month.

The Fireman of class "A" shall receive a Salary at the rate of $60.00 per month.

The Fireman of Class "B" shall receive a Salary at the rate of $55.00 per month.

The Fireman of Class "C" shall receive a Salary at the rate of $50.00 per month

Telephone Attendant at No 1 Engine House at the rate of $40.00 per month.

Sec 7 For the Department of Public Health & Charities:

One Special Sanitary policeman shall receive a Salary at the rate of $45.00 per month.

One Special Sanitary policeman shall receive a Salary at the rate of $45.00/100 per month.

One Special Sanitary policeman shall receive a Salary at the rate of $45.00/100 per month.

8 Councilmen $150.00 per annum.

Sec 9 The Compensations, Salaries and Wages enumerated in and provided for in the foregoing Sections of this Ordinance shall be paid out of the funds of the City treasury appropriated for such purposes at the time and in the manner provided by law.

Sec 10 All Ordinances and parts of Ordinances in Conflict herewith are hereby repealed.

Sec 11. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor of said City of Fort Wayne Indiana.

W. H. Tigar

Done at the Council Chamber in the City of Fort Wayne Indiana this 8th day of June 1896.

Attest
Henry D. Manning
City Clerk.

Approved June 8th 1896
Henry W. Schurer
Mayor

[illegible] Ordinance No. [illegible].

Introduced by [illegible]

An Ordinance to License Auctioneers.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne: That it shall be unlawful for any person within said city of Fort Wayne to exercise the [illegible] vocation of an auctioneer, to sell or vend at public auction any goods, wares, merchandise or real estate or interest therein, without first having obtained from said City a license for that purpose, as hereinafter provided, and any person who shall violate this Section shall forfeit and pay not less than Five nor more than One Hundred Dollars for every offense, provided that sales at public auction made by Sheriff, Master-in-Chancery, Coroners, Collectors, Constables, Policemen, Constables, Executors and Administrators by virtue of their said offices, and sales of [illegible] by order of the Court shall not be construed to be within the meaning of this Section.

Section 2: Any person who desires to exercise the vocation of auctioneer shall be required to give bond and personal security in such sum as the Mayor may direct, to be approved by the Mayor, conditioned as follows:

To license for the term of one year for the sum of Two Hundred Dollars. Persons so licensed to sell at Auction shall have but one regular place of business, to be designated in said license and shall keep or use but one auction or sale room and shall not permit other persons to sell under their license, any person licensed, not complying with the provisions of this Section shall forfeit and pay to said City not less than Five nor more than One Hundred Dollars for each offense, and the Mayor may at his discretion revoke the license.

Section 3: Any other person who shall desire to

sell at Auction, shall procure a license and pay [illegible] for such license the sum of $1.00 for the first ten days of such sale, and the sum of $5.00 per day thereafter during the continuance of such sale under a penalty of not less than $20.00 nor more than $50.00.

Section 4: It shall be unlawful for any auctioneer [illegible] to sell at public auction, at private sale or by any other device, any goods, wares or merchandise of any description in the room or warehouse occupied for the purpose of sale in said rooms or warehouse, that said portion of the bidders or bystanders will be able to hear the sound of the voice of the said auctioneer; any auctioneer convicted of a violation of this section shall pay a fine of not less than $10.00 for each offense and on conviction for a second offense, the Mayor may revoke his license.

Section 5: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 6: This Ordinance to be in full force and effect from and after its passage and approval by the Mayor.

[illegible] Council

Done at the Council Chamber in the City of Fort Wayne Indiana this 23 day of June 1896

Attest
Henry B. Morning
City Clerk

Approved June 29th 1896
[illegible]
Mayor

[illegible]

[illegible]

[illegible] Ordained by the Common Council [illegible] City of [illegible] Haven, that it shall be [illegible] for any person or persons [illegible] on the 2nd day of [illegible] to [illegible] the [illegible] [illegible] [illegible]

Session Laws 1856.

An Act to amend the ... relating the ... Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That ... shall ... and ... within the ... of the State of North Carolina, ... and ... to be ... and ... and ... and

[illegible] faced, and the entries thereto shall be [illegible] with rubs. Any person who shall refuse permission failing to comply with any of the provisions of this Section shall forfeit to said City [illegible] Dollars ($1.00)

Section 6: Any person to whom a permit is granted as aforesaid shall during the time of business, when requested by the Chief of Police or any police officer duly authorized submit and exhibit such book as in the fifth Section provided to the inspection of said Mayor or Officer of the police department and state whether any property purchased in said business is for the inspection of said Mayor or Officer of the police department. Any person who shall refuse to comply with any of the provisions of this section shall forfeit to said City any sum not exceeding One Hundred Dollars ($100.00)

[illegible] to prevent persons receiving articles [illegible] shall [illegible] the course of business [illegible] property or thing upon any person [illegible] ownership of which property, article or thing is claimed by any person, the said person or persons purchasing knowing said article, property or thing to be owned or claimed by [illegible] permit failing to comply with any of the provisions of this Section shall forfeit to said City any sum not exceeding One Hundred Dollars ($100.00)

Section 2: That this ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne Indiana this the 23 day of June

Attest
Henry W. Hamman
City Clerk

[illegible] Ordinance [illegible]

[illegible] Ordinance entitled "An Ordinance regulating peddlers and Hawkers and fixing a penalty" approved May 16th, 1895.

Be it ordained by the Common Council of the City of Saginaw that the Ordinance entitled An Ordinance [illegible] as follows:

Be it ordained by the Common Council of the City of Saginaw that every person who shall sell or exchange or offer for sale or exchange any fruits, provisions, fish, goods, wares, merchandise or other articles of traffic in any street or alley in said city, or who shall go from place to place therein either on foot or with any kind of vehicle shall before engaging in such business obtain from the City Treasurer a City license so to do.

That Section 2 of the Above Entitled Ordinance be amended so as to read as follows:

Where such fruits, provisions, goods, wares, merchandise, or other articles of traffic are carried in Vehicles [illegible] license [illegible] shall be upon the vehicle so used and when such fruits, provisions, goods, wares or other articles are carried in vehicles propelled by horse power or other motive power, each person so engaged in selling shall be required to take out a license and pay a fee of [illegible] ($10.00) for every [illegible] required under this Ordinance for the sale of fruits or vegetables, both [illegible] for the period of [illegible]

Done at the Council Chamber in the City of Fort Wayne this the 23rd day of June.

Attest

City Clerk

Approved June 29th 1896

Done at the Council Chamber in the City of Fort Wayne Ind
this the 28th day of June 1840

Attest

General Ordinance No 59.

Introduced by W. N. Tyner.

An Ordinance providing for the license upon Vehicles drawn upon the Streets in the City of Fort Wayne Indiana, designating the Construction and dimension of tires to be used on such Vehicles and providing penalties for the enforcement of the same, for the publication thereof and the date when the same shall take effect.

Section 1 Be it ordained by the Common Council of the City of Fort Wayne Indiana, that the owners of all Vehicles used upon the Streets of the City of Fort Wayne, shall pay annual license fees as follows, Viz.

1 Each Wagon or Truck used for hauling boilers logs, engines, machinery, Safes or Stone, and drawn by four or more horses, (15^{00})

2 On each wagon or truck used as above and drawn by two horses (10^{00})

3 On each wagon or truck used for hauling brick or ice and drawn by two horses 8^{00}

4 On each Omnibus drawn by four horses 10^{00}

5 On each Omnibus drawn by two horses 8^{00}

6 On each tallyho drawn by four horses 10^{00}

7 On each tallyho drawn by two horses 8^{00}

8 On each Wagon drawn by four horses, used in the manner specified in Class 1. 8^{00}

9 On each Wagon or Cart drawn by two horses 4^{00}

10 On each Wagon or Cart drawn by One horse $2.50 cts

11 On each dray or Truck drawn by two horses $8 cts

12 On each dray or Truck drawn by One horse, $5.00 cts

13 On each Furniture or moving Car drawn by two horses, $7 cts.

14 On each Furniture Car drawn by One horse $4.00 cts.

15 On each Sprinkling Cart drawn by two horses $6.00 cts

16 On each Sprinkling Cart drawn by One horse $4 cts.

17 On each Hack or Hackney Carriage drawn by two horses $4.00 cts

18 On each Barouche. Coupe. Rockaway or Surrey Wagon drawn by two horses $4 cts

19 On each Cab drawn by One horse $3 cts

20 On each Barouche drawn by One horse $3 cts.

21 On each four passenger Surrey drawn by One horse $2.00 cts

22 On each driving Cart drawn by One horse or pony, $2 cts

23 On each Dusky $2.00 cts

24 On each Buggy $2 cts

25 On each Barouche or hand Car used in peddling, $2.00

26 On each Bicycle except those used by Children under fourteen years of age, $1.00.

27 On each One horse Vehicle not before mentioned $2.00

28 On each two horse Vehicle not before Mentioned, $4.00

29 On each three horse Vehicle not before mentioned, $6.00.

30 On each four horse Vehicle not before mentioned $8.00

Section 2. All Vehicles used exclusively by any person or persons living without said City engaged in transporting or carrying produce into said City, or any dairyman or manufacturer of brick, and all persons engaged in selling per living without said City, except persons engaged in the Ordinary business of farming, and not coming under any of the foregoing named Classes, shall pay a license fee upon every Vehicle used upon the Streets of the City as follows:

1 On each One horse Wagon, $3.00

2 On each two horse Wagon, $5.00.

3 On each four horse Wagon, $8.00

4 On each two horse Wagon used for hauling brick, logs, or Lee, $8.00

5 On each four horse Wagon used for either of such purposes, $12.00

Provided: That any person residing without said City and conducting a business within said City, and going to and from his business by any vehicle shall pay a license fee as stipulated herein.

Section 3. That any person included in the provisions of this Ordinance desiring to use the streets of said City shall pay or cause to be paid to the Treasurer of the City of Fort Wayne, for the use of said City, for each Vehicle, the license fee as herein provided.

It shall be unlawful for any person or persons owning any Vehicle included in the provisions of this ordinance to use the streets of said City without first paying the license fee as herein provided.

Section 4 There shall be kept conspicuously in view on the harness of the horse or horses drawing every Vehicle mentioned in this Ordinance the required number of said Vehicle, so that the same can be easily read from the sidewalk. Such number shall be in plain, distinct and legible figures.

Each plate to be not less than One (1) inch in width and placed on the trace, neck strap, saddle or girth on the left hand side and in the case of double team on the left hand side of the left hand horse. On bicycles the plate or tag to be fastened to and suspended from the rear part of the saddle.

The City Comptroller shall provide tags or plates as herein intended, and issue them without charge other than the license fee.

Such tags or plates shall constitute the evidence and proof and be the guarantee that the lawful owner thereof has paid the license fee as herein provided.

Section 5. Painting or covering over the plate, or placing a plate supplied by Thomas J. Harness upon any other Vehicle than the one for which the same was issued except as hereinafter provided, shall be deemed a misdemeanor and on Conviction the owner of the Vehicle shall be fined as provided in Section 8 of this Ordinance; provided, any person or persons who shall be the owner or owners of more than one Vehicle belonging to either Class aforesaid, and who shall use but one of said Vehicles at any one time upon the Streets of said City, and who shall have Complied with the provisions of this Ordinance and in accordance therewith, pay the License Fee under said Classification shall be permitted to place the number of said License upon the Harness of the Horse or Horses intended to be used in Connection with said Vehicle, and a registered number of a higher grade may be used on or for a Vehicle of a lesser amount by the same person.

Provided, that where the owner of two or more one Horse Vehicles has taken out License Tags for same, said Single Horses may be driven double attached to one of the same Vehicles so Licensed or to another Vehicle, provided, that the License on said double Vehicle according to the schedule herein does not exceed the aggregate paid for the two Single License Tags so used.

In such Case each Horse is required to bear a Tag attached to the Harness as directed in Section 4. on the outer Side of each Horse.

Provided, further, that all Vehicles belonging to the City of Fort Wayne, or Claiming to exempt from License by reason of being in the Service of the City, shall have the word "City" painted on both Sides of the outside of the Bed or Body

of said Vehicle.

Section 6. Every Hack, Carriage or Cab, when driven at night, shall have fixed on some conspicuous part of the outer side thereof two bright lamps, with plain glass fronts and sides, on which shall be painted in red and legible figures at least two inches long, the Original number thereof. All Conductors, when driven in the night, shall have lighted lamps or candles inside thereof, with the number of said license painted in red and legible figures, at least two inches long, in front of said lamps or lights.

Section 7. That the funds derived from the license herein provided for, shall be applied to the maintenance and repair of the Streets and alleys of the City of Fort Wayne, manufactured after the first day of January, 1895. Must be provided with tires of the following dimensions to wit:

"Iron and Steel Axles."

1/4 inch axle, Steel or Iron, must have a tire at least 1/8 inches wide.

1 3/8 inch axle, Steel or iron, must have a tire at least 1/4 inches wide.

1/2 inch axle, Steel or iron, must have a tire at least 1/2 inches wide.

1 5/8 inch axle, Steel or iron, must have a tire at least 1 5/8 inches wide.

1 3/4 inch axle, Steel or iron, must have a tire at least 1 3/4 inches wide.

1 7/8 inch axle, Steel or iron, must have a tire at least 2 inches wide.

2 1/8 inch axle, Steel or iron, must have a tire at least 2 1/4 inches wide.

2 1/4 inch axle, Steel or iron, must have a tire at least 2 1/4 inches wide,

2 3/4 inch axle, Steel or iron, must have a tire, at least 2 3/4 inches wide.

3 inch axle, Steel or iron, must have a tire at least 3 1/4 inches wide.

3 1/2 inch axle, Steel or iron, must have a tire at least 3 1/2 inches wide.

4 inch axle, Steele or iron, must have a tire at least 5 inches wide.

"Wooden Axles"

Wagons, Drays, Dumps, Carts, and other Vehicles having axles of wood, shall have tires as follows.

3 1/2 inch axles of wood must have a tire at least 1 1/4 inches wide.

3 3/4 inch inch axles of wood must have a tire 2 inches wide.

4 1/2 inch axles of wood, must have a tire 2 1/4 inches wide.

5 inch axle, wood must have a tire 2 3/4 inches wide.

5 1/2 inch axles of wood, must have a tire 3 1/2 inches wide.

6 inch axles of wood, must have a tire 4 inches wide.

Each truck used for hauling boilers, engines, safes or stones shall have tires at least five (5) inches wide.

All Vehicles having axles less than 1¼ inches wide shall ~~have~~ not be subject to or governed by the provisions of this Ordinance as far as the ~~width~~ of tires is concerned.

It shall be the duty of the police to examine the license plate of Vehicles and report to the Controller all parties, giving the number of plates, who are violating this Section in regard to the width of tires.

Section 8. It shall be the duty of all livery and boarding Stable Keepers to report to the City Controller the number and kinds of Vehicles subject to "license" in their Stables on the First day of September of each year together with the names of the owners thereof.

Said reports to be made between the first and fifteenth day of September of each years; and on and after the thirtieth day of September of each year there shall be collected all unpaid license fees collected together with such license fees, a penalty of 100 per Cent in addition to the amount provided for by this ordinance, and any person or persons, partnership or Corporation who shall after the 28th day of October of each year drive, or cause to be driven, or any of the Streets of the City of Fort Wayne, any unlicensed Vehicles, which under this Ordinance requires a license, or who shall violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon Conviction thereof, shall in addition to all other penalties and requirements

be fined in a sum not less than twice the amount of said license and penalties and costs.

Section 9 The Owners of Vehicles covered by the terms of this Ordinance, shall be for obtaining a license tag or plate as herein provided be required to furnish the City Comptroller a full description of the kind, and character of the Vehicle for which a license tag or plate is desired, the name of the owner and the use to which said Vehicle is to be put.

Thereupon it shall be the duty of the City Comptroller without further charge to deliver a license tag or plate for the period for which payment has been made. All license tags or plates provided for in this Ordinance shall be issued for one year and shall begin on the first day of September of each year.

Provided; That any owner who shall have come into the possession of any such Vehicle upon which no license had been paid, between the first day of September of any year and the first day of September of the next succeeding year shall be required to pay a fee in proportion to the unexpired part of the year to be covered: and provided further that if the owner of any licensed Vehicle or partnership thereof, the license issued to him shall be no protection to the firm, Company or individual to whom it is sold unless the same shall have been duly transferred on the books of the City Comptroller. Whenever any licensed Vehicle shall have been sold upon proper application to transfer the license tag or plate from the original owner to the purchaser by making a note thereof in a column intended for such purposes on the record book of such license tags or plate to be kept by him.

No fee shall be exacted by the City Comptroller for such transfer.

All licenses tags or plates issued by the City Comptroller shall be duly recorded by him in a record book properly prepared for such use, in which shall be entered the serial number issued of all vehicles tags or plates, the kind of vehicle, the use to which it is to be put, the name and residence of its owner and the fee paid therefore as provided herein.

Section 10 All Ordinances or parts of Ordinances in Conflict herewith, are hereby repealed.

Section 11 This Ordinance shall take effect and be in full force from and after September 1, 1896.

Pass in the Council Chamber in the City of Fort Wayne
And this the 23rd day of June 1896

Approved June 29th 1896

Henry R. [illegible]

General Ordinance No 60

Introduced by [illegible]

An Ordinance to amend Section 13 of Chapter 31 of the revised Ordinance of the city of Fort Wayne approved March 11 1867.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that section 13 of Chapter 31, of the revised Ordinance of the city of Fort Wayne is amended to read as follows:

No person shall engage in horse racing or bicycle racing or ride or drive any animal at a speed exceeding eight miles per hour or ride any bicycle at a speed exceeding ten miles per hour while in or using any of the streets of said city.

Section 2: This Ordinance to be in effect on and after its passage and approval by the Mayor.

Done at the Council Chamber in the city of Fort Wayne Ind, this the 28th day of July 1876.

Attest
Henry B Morning
City Clerk

Approved Aug 14 1876
Henry V DeHuff
Mayor

General Ordinance No 61

An Ordinance to amend Section 1 of an ordinance entitled "An ordinance, to license, tax and regulate the sale of Cigarettes within the City of Fort Wayne Indiana.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne that Section one of the above ordinance be amended to read as follows. That after August 20th 1896 it shall be unlawful to engage in the business of selling Cigarettes or to sell or give away any Cigarettes within the City of Fort Wayne without having a license therefore

Section 2: This amended Section of ordinance to be in full force and effect on and after its passage and approval by the Mayor.

Done at the Council Chamber in the city of Fort Wayne this 15th day of September 1896

Attest
Henry B. Morning
City Clerk.

Approved Sept 21/96
[illegible]

General Ordinance No 62

An Ordinance to amend Section 8: of an Ordinance providing for the license upon vehicles drawn upon the streets of the city of Fort Wayne, Indiana, designating the construction and dimensions of tires to be used on such vehicles, providing penalties for the enforcement of the same.

Section 1: Be it ordained by the Common Council that Section 8: of the above Ordinance approved the 29th day of June, 1896, be amended so as to read as follows.
It shall be the duty of all livery and boarding stable keepers to report to the City Comptroller the number and kinds of vehicles subject to "license" in their stables on the first day of September of each year together with the names of the owners thereof. Said report to be made between the first and fifteenth day of September of each year, on and after the thirteenth day of September of each year there shall be added to all such and license fees collected together with such license fees a penalty of 100 per cent in addition to the amount provided for by this Ordinance, and any person or persons, partnership or corporation who shall after the 1st day of October of each year, drive or cause to be driven on any of the streets of the city of Fort Wayne, any unlicensed vehicles, which, under this Ordinance, register [illegible], or who shall violate any, of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall in addition to all other penalties [illegible] requirements be fined in a sum not less than twice the amount of said license and penalty and costs.

Section 2: This amended Ordinance to be in full force and effect on and after its passage and approval by the Mayor.

Done at the Council Chamber in the city of Fort Wayne, Ind. this the 15th day of September 1896.

Attest
Henry B. Morning
City Clerk

Approved Sept 21st 1896
Henry F. Schaab
Mayor

General Ordinance No 63

Introduced by John Mahoney

An Ordinance fixing the tax levy for the city and School purposes for the year 1896.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, that a levy of 95 cents upon each $100. assessed valuation of all the property within the corporate limits of the city of Fort Wayne be made for the year 1896.
Also, that there shall be collected of each male inhabitant liable by law, a tax of $2.00. All the money derived from said levies to be appropriated and used for the following purposes:

General purposes and Interest	.87
Sinking Fund	.05
Library Fund	.01¾
Anthony Wayne Monument Fund	.00¼
Firemens Pension Fund	.01
Total	.95

Section 2: That a levy of .15 cents upon each $100. of assessed valuation of all the property within the corporate limits of the city of Fort Wayne, be made for the year 1896. Also that there shall be collected of each male inhabitant liable by law a poll tax of .50 cents. All of the monies derived from said 15 cent and fifty cent poll tax levies shall be devoted and appropriated to the special school fund.

Section 3: That all of said taxes shall be collected in semiannual installments.

Section 4: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the city of Fort Wayne, Ind. this the 22nd day of September 1896.

Attest
Henry B. Morning

Approved Sept 25th 1896
Henry P. Scherer

General Ordinance No 64.

Introduced by Mayor.

An Ordinance authorizing and empowering the City Comptroller to pay out all Trust Funds, monies raised by special Tax Levy including, Firemens Pension Fund, and all monies belonging to other persons, corporations and companies other than the city of Fort Wayne, which may come into his hands by virtue of his Office. Said monies to be paid out for the purpose for which they are to be devoted, at the proper time and according to law.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, that the City Comptroller be and is hereby authorized and empowered to pay out to the proper person, at the proper time, and in the manner provided by law, all monies raised by special tax levy including Firemens Pension Fund, for the year 1896, all trust funds, and all monies belonging to other persons, corporations or companies other than the city of Fort Wayne, which may be now on hands or which may hereafter come into the hands of said Comptroller by virtue of his office.

Section 2: All Ordinances or parts of Ordinances in conflict herewith, are hereby repealed.

Section 3: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the city of Fort Wayne, Ind, this the 6th day of October 1896.

Approved October [illegible] 1896
Henry P. [illegible]

Attest
Henry D. Mumma
City Clerk

Council Ordinance No 65.

Introduced by Ald. Hermann

An Ordinance prohibiting the advertisement of any Commercial business by crying aloud or carrying any sign or Banner over and along the streets in the city of Fort Wayne.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, that it shall be unlawful for any person or persons to cry aloud upon the streets or in the door-ways of any kind of business along the street advertising any Commercial business whatever or carry or have carried along and over the streets of said city, any signs, banners, or displays of any kind or discription intended to advertise any Commercial business.

Section 2: Any person or persons violating this Ordinance or any provision thereof shall be fined any sum not exceeding One hundred ($100.) dollars.

Established in the Fort Wayne [illegible]

Done at the Council Chamber in the city of Fort Wayne and this the 12th day of January 1897

Attest

[illegible]

Approved Jan 15th 1897

[illegible]

General Ordinance No 66

Introduced by C. H. Hubbler

An Ordinance to regulate the weight of bread offered for sale in the city of Fort Wayne and fixing penalty for violation of the same.

Section 1: Quality, weight: All bread baked and offered and exposed for sale in the city of Fort Wayne, shall be made of good wholesome flour or meal and sold by avoirdupois weight.

Section 2: Sizes of loaf, standard weight and brand: All bread shall be made into loaves of two sizes, large and small, viz:

One small loaf of wheat or rye bread, any brand sixteen (16) oz
" large " " " " " " twenty four (24) oz
" small loaf of Pumpernickle, any brand three pounds (3 lbs)
" large " " " five pounds (5 lbs)
avoirdupois weight.

All other kinds of brands of bread should have the same weight as provided in this section, without any deviation, provided however that upon special order any person or persons may make a larger loaf than the largest of any kind herein designed in equal pounds or half pounds.

Section 3: Standard weight of bread When? The above weight to a "loaf" is for bread after being newly baked and on sale.

Section 4: Penalty. If any baker or other person shall make for sale, offer or procure to be sold, any bread of any other than wholesome flour or meal or shall sell or expose for sale, any bread contrary to the preceding section of this article, such person shall be subject to a penalty of $10.00 for each and every such offense.

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Section 5: Entry to Examine - Violation of Ordinance - Seizure. It shall be lawful for any alderman of this city, the Superintendent of Police or any member of the Department of Police duly authorized by the Superintendent, to enter in the day time into

any house, store, shop, bake house, warehouse or other building where any bread is baked, stored, or deposited, or offered for sale and also to stop, detain and examine any wagon or cart, wagon or other vehicle carrying bread and to search for, view, try and weigh all or any bread that shall be found therein; and if in any such search there shall be found any bread made in violation of, or contrary to, any of the provisions of this article, any of the persons above named may seize such bread and shall immediately enter Complaint before some Justice of the Peace or Mayor against the person or persons guilty of such violation.

Section 6: Return of Bread Seized — Destruction. Whenever any bread shall have been seized for a violation of any of the provisions of this article, the same shall be taken immediately, to the office of the Superintendent of Police, there deposited and kept, to be used on the trial of the person or persons against whom Complaint is made; and if he, she or they shall be convicted, such bread shall be retained by the Superintendent of Police until the fine, if any shall have been imposed and the costs of the suit, shall have been satisfied provided, that bread made of unwholesome materials shall not in any case, be returned to the owners, but shall be destroyed.

Section 7: Penalty for Re-Offer for sale — Any person or persons to whom any such bread shall have been returned and delivered up, or any other person, who shall again offer or expose the same for sale shall for the second and every subsequent offence, be subject to a penalty of not less than fifty dollars.

Section 8: All dealers are subjected to above rule and Ordinance and for failure of a loaf of bread in not having the standard weight, the Manufacturer is held responsible or liable for each loaf of bread lacking the standard weight turned out.

Section 9: Ordinance not to apply — When.
The Provisions of Section 2 of this Article shall not apply to biscuits, buns, rolls

or fancy bread weighing less than a quarter of a pound.

Section 10: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the city of Fort Wayne, Indiana this the 12th day of January [illegible]

[illegible]

General Ordinance No 67

Introduced by Fourth Council

An Ordinance to provide Public Wealth in the city of Fort Wayne by an inspection of Milk, Cream and Butter to be sold within the city.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne that it shall be the duty of the Board of Health of the City of Fort Wayne and of every member or officer thereof, whenever it is deemed necessary by him or either of them so to do, to enter any place where milk, cream or butter is stored or kept for sale, or any carriage or wagon used for the conveyance of milk, cream or butter within the city, and take samples of such milk, cream or butter for analysis from any such place, carriage or wagon; and shall cause such samples of milk cream or butter as taken to be analysed or otherwise satisfactorily tested as by them may be deemed necessary. The result of such analysis or test they shall record and preserve as evidence. They shall at the time of taking such samples, also take the names of the owner and agent of such place and the owner and driver of such carriage or wagon, and include that as part of the record of the case.

Section 2: In all prosecution hereunder if such milk upon analysis is shown to contain more than 88 per cent of water fluid or to contain less than 12 per cent milk solids or to contain less than 8.5 per cent milk solids exclusive of butter fat, it shall be deemed not to be of good standard quality. For the purpose of this Ordinance butter shall mean the product usually known by that name and manufactured exclusively from milk or cream and with salt, and shall wholly exclude all fats, oils or greases not produced from milk or cream. It shall be unlawful for any person by himself or his agent or his servant or as the servant or agent of any other person to sell, exchange or deliver or have in his custody or possession with intent to sell or exchange or expose or offer for sale or exchange adulterated milk or butter to which water or any foreign substance has been added or any milk or butter of inferior quality to that hereinstated or required or knowingly connive or assist in the violation of any of the provisions of this Ordinance or to hinder or obstruct or in any way interfere

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with said Board of Health or any member or officer thereof in the performance of any of the duties herein imposed. Any person selling milk within the corporate limits of the city on and after the taking effect of this Ordinance shall register his name and place of residence at office of Board of Public Health. Any person violating any of the provisions of this Ordinance shall upon conviction be fined in any sum not exceeding twenty five dollars ($25.00).

Section 3: This Ordinance shall take effect and be in full force from and after its passage and publication for one day each week for two consecutive weeks in the Fort Wayne Journal, a daily newspaper of general circulation printed and published in the city of Fort Wayne, Allen County, Indiana.

Done at the Council Chamber in the city of Fort Wayne this the 26th day of January 1897

Attest
Henry B. Wenning

Approved Feby 1st 1897
Henry A. Scherer
Mayor

General Ordinance No 68

Introduced by [illegible]

An Ordinance to require street cars to be equipped with fenders and wheel guards and forbidding any person to get upon such fenders when not in danger of injury.

Be it ordained by the Common Council of the city of Fort Wayne, as follows.

Section 1: All persons, associations or corporations, now or hereafter owning or operating street railways in the city of Fort Wayne by electricity, shall provide all their grip or motor cars now or hereafter in use, with fenders, and designed to catch and sustain any human being who may be in the way of such car and also provide and equip all other street cars with front and rear wheel guards, which fenders and wheel guards shall be of a design which the Board of Public Improvements shall have certified in writing meets the approval of such Board. All such cars shall be equipped with such fenders and wheel guards by July 1st 1897 and such fenders and guards shall be placed on all street cars in use hereafter.

Section 2: It shall be the duty of the Board of Public Improvements to examine and pass upon all designs for fenders and guards submitted to such Board by any street railway Company and to give a written certificate to such Company of the approval or disapproval of such design by said Board.

Section 3: Any person, corporation or employe, operating any street car in the city of Fort Wayne after July 1st 1897 not equipped with fenders and guards as hereinbefore provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Mayor's court of the City of Fort Wayne, shall be fined not less than One hundred dollars ($100.) for each and every offense, and every day's violation thereof shall constitute a separate offense.

Published in [illegible]

Section 4: Any person who, when not in danger of injury, shall get upon any such fender attached to any car, as hereinbefore provided whether such car be standing still or in motion, shall be guilty of a misdemanor, and upon conviction thereof shall be fined not less than ten dollars ($10.00) nor more than fifty dollars. ($50.00).

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 4th day of February 1897.

Attest

Approved

General Ordinance No 69.

Introduced by W. L. [illegible]

An Ordinance providing for the Drainage and Filling up of Ponds, Excavations and Holes, and prescribing penalties for the failure to drain or fill up the same.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, That the owner or owners of any real estate situated in the City of Fort Wayne or within four miles of the corporate limits of said City on which there shall be any pond, excavation or hole in which water is, or may become so stagnant or noxious as, in the opinion of the Board of Public Works, to be a nuisance or injurious to the health or comfort of any of the inhabitants of said City, which opinion shall be declared by resolution, shall be notified by the Board of Public Works to fill or drain such pond, hole or excavation. If such owner or owners are residents of the said City the said Board of Public Works shall give personal notice to such owner to fill or drain such pond, hole or excavation within five days after the service such notice. In case such owner or owners are unknown, or are nonresidents of said City, the said Board shall cause a notice to be published in a daily newspaper of general circulation, for one day each week, for two consecutive weeks.

Section 2: If such owner or owners shall fail, neglect, or refuse to enter upon the work of draining or filling up as aforesaid, after having been notified as provided in the preceding section, the said Board of Public Works shall cause an estimate of the probable cost of filling or draining such pond, excavation or hole, to be made, and recorded in the office of the said Board and whatever costs and expenses may arise from the filling thereof, the same shall be a lien upon the real estate described therein. After the filing of said estimate the said Board of Public Works shall proceed to fill, or drain such pond, hole, or excavation, and the costs and expenses thereof shall be assessed against such property owner or owners, and be recovered in an action of foreclosure brought in the name of said City

Published in the Fort Wayne Journal May 8th, 15th 1907

and sold as other lands are sold in foreclosure proceedings.

Section 3: It shall be unlawful for any person owning real estate in this city to suffer any excavation, hole or pond, which may endanger the safety, health or comfort of any of the inhabitants of said City, to remain thereon for more than five days after being notified thereof by the Board of Public Works of said City. In case the real estate on which there is such excavation, hole, or pond is owned by any corporation, notice shall be given to the, President, Secretary or Agent thereof; and if such person upon whom notice is served fail, neglect, or refuse to take proper steps to protect, fill up, or drain such pond, he shall be deemed to have violated the provisions of this ordinance and shall be subject to the punishment herein prescribed. Any person violating the provisions of this ordinance shall be fined in any sum not exceeding Fifty dollars ($50.) and for each day's violation thereof, thereafter, he shall be fined in any sum not exceeding Fifty dollars ($50.)

Section 4: All ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Section 5: This ordinance to be in force and effect on and after its passage, approval by the Mayor and publication.

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 27th day of April, 1897.

Attest
Henry B. Manning
City Clerk

Approved May 6th 1897
Henry C. Zetrouer
Mayor.

General Ordinance No 70

Introduced by [illegible]

An Ordinance fixing the fire limits within the City of Fort Wayne, providing the character and class of building that may be erected therein and provided the violation thereof.

Section 1: Be it enacted by the Common Council of the City of Fort Wayne, that all that part of the City of Fort Wayne embraced within the following limits, shall be known as the fire limits of said city, to-wit. Beginning with the intersection of Superior street and Lafayette street, thence south along said Lafayette street, to Wayne street; thence west along Wayne street to Barr street; thence south on Barr street to Jefferson street; thence west on Jefferson street to Clinton street; thence south on Clinton street, to the track of the Pittsburgh Fort Wayne and Chicago railway, thence west along said track to its intersection with Harrison street; thence north on Harrison street to Wayne street; thence west on Wayne street to Webster street; thence north on Webster street to Superior street; thence east on Superior street to place of beginning.

Section 2: It shall hereafter be unlawful for any person to erect, assist in erecting, or cause to be erected within the fire limits defined above, Any building whatsoever unless the outer walls are made of brick, stone, iron, or brick, stone and iron combined without any combustable material placed therein, and unless the roof thereof is fire proof. Provided, however, that this section shall not apply to privies less than ten feet high. It shall also be unlawful for any person to alter or repair, or assist in altering or repairing, or cause to be altered or repaired, any frame or wooden building now erected within the fire limits aforesaid, with the same kind of material as that of which it is composed, when the amount required to so alter or repair the same shall exceed ten (10) percent of the present value of the building, to be determined by the Board of Public Works,

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or in such a manner or to such an extent as to make a different or larger building, whatever amount be the cost thereof.

It shall be the duty of the Chief Engineer of the Fire Department as well as the Board of Public Works, whenever any building is in course of erection or has been fully erected, or whenever any building is being altered or repaired, in violation of any provision of this ordinance, to make complaint thereof before the Mayor of the City, and any citizen of said city may make such complaint; and upon such complaint being made by either of said officers, or by any such citizens, said Mayor shall issue a warrant for the arrest of such person so offending.

Any person violating any provision of this ordinance, shall, upon conviction, be fined in any sum not exceeding One Hundred Dollars, ($100.) and each day that workman are employed on such building, shall constitute a separate offense, and each day that any such building, when completed, is allowed to remain standing shall constitute a separate ~~a separate~~ offense. In addition such penalty the Mayor may include in his judgement an order that such person, if he be the owner of the building, shall immediately tear down and remove such building, and if said building is not promptly torn down and removed in obedience to such order, the Board of Public Works may tear down and remove such building, or cause to be torn down and removed; and the expense thereof shall be paid to said city by the owner of the building.

Provided, however, the provisions of this ordinance shall not apply to any building, the contract for which was made prior to the passage and taking effect of this ordinance, a permit granted thereof and work thereon begun, but shall apply to all other buildings.

Section 3: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4; This ordinance shall take effect and be in force from and after its passage and publication once each week for two (2) consecutive weeks in the Fort Wayne Journal, a daily newspaper of general circulation, printed and published in said City of Fort Wayne.

Done at the Council Chamber in the city of Fort Wayne Indiana this the 27th day of April 1897.

Attest
Kenny E. Hamm

Approved May 5th 1897
Henry P. Scherer

General Ordinance No 71.

Introduced by T.S. Purcell.

An Ordinance to provide for the uniform numbering of houses.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, Indiana that every owner of a building on any street, avenue or alley in the city shall be notified of the proper number of such building by the City Engineer of the Board of Public Works, place the same in a conspicuous place on the front of such buildings. One whole number shall be allowed on every twenty (20) feet of ground wherever practicable, whether improved or vacant, provided that any house or tenement with a less front than 20 feet shall receive a whole number and that all streets, avenues or alleys running north and south shall number from St Marys and Maumee rivers or the Commencement of said street nearest thereto with odd numbers on the east side and even numbers on the west side of said street, avenue or alley, and all streets, avenues or alleys running east and west shall be numbered east from Calhoun street or the terminus of said street nearest thereto, with odd numbers on the north side and even numbers on the south side, and west from Calhoun street or the terminus of said street nearest thereto with odd numbers on the south side and even numbers on the north side of said streets, avenues or alleys, and in numbering said streets, avenues or alleys, one hundred numbers shall be allowed to each block of the usual length of blocks, so that the number of each consecutive block shall commence with consecutive hundreds and one.

Published in the Ft Wayne Journal May 8th & 15th 1877

Section 2: The City Civil Engineer in making out the proper number of said houses shall be governed by the initial or starting point which shall be the St Marys and Maumee rivers and Calhoun street respectively, allowing one hundred numbers for each square with an even hundred at the Commencement of each square as aforesaid and in

all respects adhearing to the decimal system of enumeration. Also in all streets running in opposite directions but not extending to the initial points. The same order of enumeration shall be observed as though such streets did actually extend to such points, And in such parts of the city as it may be impracticable to accurately follow this system, the said City Civil Engineer shall arrange the numbering as nearly in accordance therewith as possible.

Section 3: Every person who may be the owner, lessee or occupant of any building required to be numbered by this Chapter or any subsequent ordinance, who shall refuse or neglect to number his, her or their building in conformity with this Ordinance or any subsequent Ordinance and in compliance with the directions of the Engineer, shall be fined in the sum of not less than One ($1.00) Dollar or more than Five ($5.00) dollars.

Section 4: The City Civil Engineer is hereby required to have the different lots and blocks herein required to be numbered into the proper spaces and to fix to each of said spaces, the proper number and to enter into a suitable book to be prepared by him and kept in his office, a distinct memorandum of such spaces of the corresponding numbers and at all reasonable hours when requested to do so, said Engineer shall permit such book to be inspected and copies to be taken therefrom, and he shall furnish information as to the proper number to represent any building or piece of ground whether required by the Council to be numbered or not.

Section 5: The numbers shall consist of figures not less than three inches in length and so made as to be distinctly or easily read.

Section 6: This ordinance shall be in full force and effect on and after January 1st 1898 and its passage and approval by the Mayor

Attest
Henry P. Manning
City Clerk

Approved May 5th 1897
Henry P. Scheer
Mayor

Done at the Council Chamber in the City of Fort Wayne Indiana this the 27th day of April 1897

General Ordinance No 72.

Introduced in [illegible]

An Ordinance changing the names of certain streets in the 8th Ward:

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that the names of the following described streets and avenues shall be hereafter known by the following names, viz:

1st Alliger street running from Pioneer Avenue to New Haven road be known and designated as Grant avenue.

2nd Winch street running from Pioneer Avenue to New Haven road be known and designated as Wabash Avenue.

3rd Maumee road from Harmer street to city limits be known and designated as Maumee Avenue.

4th Penn street running from Alliger street to Lumbard street be known and designated as Winch street.

5th Hugh street running from Walton Avenue to Alliger street be known and designated as Alliger street.

6th Eliza street running from Walton Avenue to Alliger street be known and designated as Penn street.

Section 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 27th day of April 1897.

Attest
Henry B. Wemming
City Clerk

Approved this [illegible] day
of April 1897
Henry [illegible]
Mayor

General Ordinance No 73.

Introduced by [illegible]

An Ordinance changing the name of a certain street in the 7th Ward.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that the name of Hamilton street running from Calhoun street to Lafayette street be known and designated as Wallace Street.

Section 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 27th day of April 1897.

Attest
Henry B. Morning
City Clerk

Approved May 5th 1897
Henry P. Scherer
Mayor

General Ordinance No 74.

Introduced by B Rudisill

An Ordinance changing the names of certain streets in the 10th Ward

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that the names of the following described streets in the 10th Ward be hereafter known by the following names, viz.

1st. Thomasetta street from Gay street to Thomas street and Julia street from Thomas street to Holton Avenue be known and designated as Hurd street.

2nd Jennison street running from Holton Avenue to Winter street be known and designated as Fisher street.

Section 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 27th day of April 1897.

Attest
Henry B Morning
City Clerk

Approved May 5th 1897
Henry P. Scherer
Mayor

General Ordinance No 75.

Introduced by F.E. Purcell.

An Ordinance changing the name of a certain street in the 9th Ward.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that the name of Brower street running from Wells street west to Barthold Addition be known and designated as Second street.

Section 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 27th day of April 1897.

Attest
Henry B. Morris
City Clerk

Approved May 6th 1897
Henry [illegible]
Mayor

General Ordinance No 76

Introduced by W. H. Tinkham

An Ordinance to amend Section One (1) of Chapter Thirty-one (31) of the revised ordinances of 1887 of the city of Fort Wayne in relation to bathing in streams of water near the city.

Section 1. Be it enacted by the Common Council of the City of Fort Wayne, that Sec 1. Chapter 31, of the revised ordinances of the city of Fort Wayne 1887, be amended to read as follows:

No person shall bath in any river or lake within the corporate limits of the city of Fort Wayne during daylight and while naked.

Section 2. Any person violating this ordinance upon conviction shall be fined not to exceed $ 100.00

Section 3. This ordinance to be in full force and effect on and after its passage, approval and publication.

Published in the Fort Wayne Journal Aug 25th 28th 1897

Done at the Council Chamber in the City of Fort Wayne this the 10th day of August 1897.

Attest
Henry B. Mommus
City Clerk

Approved August 14/97
Henry T. Scherer Mayor

General Ordinance No 77

Introduced by Mr Tyner

An Ordinance to amend Section 2 and 4 of an Ordinance entitled "An Ordinance #59 providing for the License of Vehicles drawn upon the streets of the city of Fort Wayne, Indiana, designating the construction and dimensions of tires to be used on such vehicles and providing penalties for the violation thereof."

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that Section 2 of the above Ordinance be and the same is hereby amended to read as follows:
All vehicles used exclusively by any person or persons living without said city engaged in huxtering or carrying products into said city and dairyers or manufactures of brick or all persons engaged in selling Ice or Sand living without said city except persons engaged in the ordinary business of farming and not coming under any of the foregoing named classes, shall pay a license fee upon every vehicle used upon the streets of the city as follows:
1st: On each one horse wagon $3.00
2nd: On each two horse wagon $5.00
3rd: On each four horse wagon $8.00
4th: On each two horse wagon used for hauling brick, logs, ice or sand: $8.00
5th: On each four horse wagon used for either of such purposes $12.00, Provided, That any person residing without said city, and conducting a business within said city and going to and from this business by any vehicle shall pay a license fee as stipulated herein.

Published in the Ft Wayne Journal Sept 18th 78

Section 2: Be it ordained that Section 4 of the above entitled Ordinance be amended to read as follows:
There shall be kept conspicuously in view on the harness or horses drawing any vehicle mentioned in this Ordinance the registered number of such vehicle so that the same can be easily read. Such number shall be in plain, distinct and legible figures. Each plate to be not less than one inch in width and placed on the trace, neck strap, saddle or girth on the left hand side and in case of a double team on the left hand side of the left horse except on such vehicles for which

Wagon plates are issued then the same must be substantially fastened on the left hand side of such vehicle. On bicycles, the plate or tag is to be fastened on the head or front bar of the shell so that the figures and letters can be easily read.

The City Comptroller shall provide the tags or plates as herein intended and issue them without charge other than the license fee. Such tags and plates shall constitute the evidence and proof and be the guarantee that the lawful owner thereof has paid the license as herein provided.

Section 3: Any unlicensed vehicle which under this Ordinance requires a license, or who shall violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall in addition to all other penalties and requirements be fined in a sum not less than twice the amount of said license and penalty and costs.

Section 4: This Ordinance shall be in full force and effect from and after its passage and due publication and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 14th day of September 1897.

Attest
Henry P. Manning
City Clerk

Approved September 17/97
Henry R. Scherer Mayor

General Ordinance No 78

Introduced by W. H. Figar

An Ordinance requiring circuses, Shows menagaries, parading the streets of the city with elephants, camels, dromedaries or steam calopes to give bonds and providing a penality for the violation thereof."

Section 1. Be it enacted by the Common Council of the city of Fort Wayne, that on and after the passage of this Ordinance it shall be unlawful for any show, circus or menagarie to walk, over and along the streets of the city of Fort Wayne in its parade, Elephants, Camels, Dromedaries or other animals liable to frighten horses, or to make use of a caliope in the same without first executing to the City of Fort Wayne a bond in the sum of $10.000. With resident freehold security indemnifying said city against any loss & damage, or any judgment that might be recovered against it by any person who without negligence had received personal injury by or in consequence of said parade.

Section 2: Any one violating the provisions of this Ordinance shall upon conviction thereof, pay a fine of not less than $200. or more than $500.

Published in the Ft. Wayne Journal Sept 18th & 25th

Section 3: This Ordinance to be in full force and effect on and after its passage, publication and approval of Mayor.

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 14th day September 1897

Attest

Approved September 17th 18[illegible]

General Ordinance No 79

Introduced by C. C. Sherman

An Ordinance changing the name of a certain street in the Third Ward.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne Indiana. That the name of Chicago Street running from Calhoun East to Fairfield Avenue be known and designated as Brooklyn Avenue.

Section 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne Indiana this the 28th day of September 1899.

Attest
Henry C. Wiemann
City Clerk

Received October 6th 1899
Allen C. Scherer
Mayor

General Ordinance No 80

Introduced by

An Ordinance fixing the tax levy for city purposes for the year 1897.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, that a levy of 92¼ cents upon each $100.00 of assessed valuation of all the property within the limits of the city of Fort Wayne, be made for the year 1897, also that there shall be collected of each male inhabitant liable by law a poll tax of two ($2.00) dollars. All the money derived from said levies to be appropriated and used for the following purposes:

General purposes and Interest	.86 cents
Sinking Fund	.05 "
Anthony Wayne Monument fund	.00¼ "
Firemens Pension fund	.01 "
	.92¼

Section 2: That all said taxes shall be collected by semi-annual installments.

Section 3. This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 28th day of September 1897.

Attest- Henry B. Morning, City Clerk

Passed October 6th 1897

Henry C. Zehrer, [illegible]

General Ordinance No 81.

Introduced by Mr. Hess

An Ordinance Prohibiting any person, Company or Corporation or any person acting for any person Company or corporation to erect or maintain any pole or poles, over and along any street or alley within the corporate limits of the city or to string wires of any kind or for any purpose over and along such streets and alleys, without first obtaining from the Common Council of the city of Fort Wayne a permit or franchise to so do, and providing a penalty for the violation of the same.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that it shall be unlawful for any person, company or corporation or any person acting for any person company or corporation to erect or maintain any pole or poles over and along any street or alley within the corporate limits of the City of Fort Wayne, or string wires of any kind or for any purpose over and along such streets without such person, company or corporation first obtains a permit or franchise from the Common Council of said city so to do.

Section 2: Any person, company or corporation, or any person acting for such person, company or corporation violating any of the provisions of this Ordinance shall be fined in any sum not to exceed $100.00. And each day such pole or poles unlawfully stand or wires remain unlawfully strung, shall constitute a seperate offense.

Published in the 4th Ward Journal Dec 14th 1897

Section 3: This Ordinance shall be in full force and effect on and after its passage, approval and publication.

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 28th day of November 1897

Attest
Henry R. Manning
City Clerk

Approved Nov 9th 1897
Henry C. Scheer
Mayor

General Ordinance No. 82.

Introduced by Smith & Small

An Ordinance requiring the Western Union Telegraph Company, the Fort Wayne Electric Light and Power Company, the Fort Wayne Central Union Telephone Company and the Postal Telegraph Company to remove the poles now or in use by said Companies or Corporations jointly or severally on Calhoun Street between Superior Street and the Pittsburgh, Fort Wayne & Chicago Railroad from off said Street and to place their respective wires in use thereon under ground in said Street and fixing a time.

Preamble.

Whereas the said City of Fort Wayne, Indiana through its Board of Public Works and Safety has ordered the Western Union Telegraph Company, the Fort Wayne Electric Light and Power Company, the Fort Wayne Central Union Telephone Company and the Postal Telegraph Company to remove their poles now in use on Calhoun Street between Superior Street and the Pittsburgh, Fort Wayne & Chicago Railroad and,

Ordered by the Fort Wayne Journal Dec 24-30 & 96

Whereas, said street as above mentioned is lined with telegraph poles, telephone poles and electric light poles and a net work of wires strung thereon and

Whereas said wires and poles interfere with the public use of the street and endanger the safety of life and property in case of fire or storm and

Whereas said dangers and difficulties can be wholly obviated and removed by the removal of said poles from off said Street between the points above mentioned and the placing of said wires now strung upon such poles under ground by said Companies or Corporations

Section 1: Be it ordained by the Common

Council of the City of Fort Wayne, Indiana,
that the Board of Works [illegible] Company,
the [illegible] Light & Power
Company, The Central Union Telephone
Company [illegible]
[illegible] the several companies from the
[illegible] and [illegible] to
[illegible] the [illegible] [illegible]
the [illegible] Company [illegible] Section [illegible] the
[illegible] Section [illegible] the
[illegible] Company [illegible]
[illegible] [illegible] the [illegible]
[illegible] [illegible] the [illegible]
[illegible] [illegible] [illegible]

Section 2: That the Board of Public Works of
the City of Fort Wayne, Indiana, is
hereby authorized & empowered to [illegible]
[illegible] of the said [illegible], and [illegible] from-
[illegible] and [illegible] at the expense of said
Companies [illegible] [illegible], provided
the same is not [illegible] within the time
[illegible] by Section One (1) of this Ordinance

Section 3: The City Clerk is hereby
[illegible] to cause a [illegible] of this Ordinance
[illegible] the [illegible] [illegible] [illegible] the [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] and
[illegible] the passage and approval of this Ordinance

Section 4: All Ordinances or parts of
Ordinances in conflict
herewith are hereby repealed.

Section 5: This Ordinance shall be in
full force and effect from and after its
passage and approval by the Mayor.

Passed at the Council Chamber in the
City of Fort Wayne this 28th day of December, 1897.

Attest:
Henry P. Manning
City Clerk

Approved, December 30th 1897.
Henry J. Scherer
Mayor

General Ordinance No. 83.

Introduced by F. E. Purcell

An Ordinance changing the names of certain streets and avenues in the city of Fort Wayne, Indiana.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, Indiana, that the following described streets and avenues shall hereafter be known and called by the following names, viz:

1st:- Grace street in Fleming and Esmonds Addition running from Calhoun street east to Lafayette street shall be known and called Esmond street.

2nd: Frank street running from Gay street east to the P. F. W. & C. R. R. shall be known and called Thayer street.

3rd: Scholes street running from St. Marys Avenue east shall be known and called Sinclair street.

4th: Shawnee Avenue and Fox street in South Wayne running from Home avenue north to Taylor street shall be known and called Fox Avenue.

5th: Pritchard street running from Broadway west to Rockhill street shall be known and called Lavina street.

6th: Duryea street running from Hoagland avenue west to Fairfield avenue shall be known and called Poplar street.

7th: Charles street running west from Hanna street to Lafayette street and Masterson street running west from Lafayette street to Calhoun street shall be known and called Masterson avenue.

8th: Colerick street running from Hoagland avenue west to Fairfield avenue be known and called Dawson street.

9th Allen street and Park Place running from Lafayette street west to Hoagland avenue to be known and called Woodland Avenue.

10th: Crescent avenue in Bonds addition running from Fairfield avenue west to South Wayne avenue be known and called Meyer avenue.

11th: Metz street running from Taylor street south to Wabash Railroad be known and called Nelson Street.

12th: Trentman Avenue running from Beaver Avenue west to Broadway be known and called Kinnaird Avenue.

13th Griffith street running from Brackenridge street north to Superior street be known and called Fairfield Avenue.

14th: Oneida street in Dollars and Swayne's Addition running from Shawnee Avenue east to South Wayne Avenue be known and called Swayne street.

15th: Locust street running from Calhoun street west to Harrison street, be known and called Bauer Avenue.

16th: Lake street in Archer's Addition running from St. Marys Avenue west to city limits be known and called Marie street.

17th: Ida Avenue in Electric Light Addition running from Metz street west to city limits be known and called Michigan Avenue.

18th: Edsall street running from Main street south to Berry street be known and called Union street.

19th Washington street running from Calhoun street west to Swinney Park be known and called Washington Boulevard.

20th: North street running from Wells street west be known and called Fairmount Place.

21st Anna street running from Shawnee Avenue west to Miner street be known and called Ferguson street.

22nd: Park street in Zollars and Swayne's Addition running from Shawnee Avenue west to Indiana Avenue be known and called Anna Street.

23rd: Park Avenue in Lumbard's Park Addition running from Cleveland street north to city limits be known and called Georgia Avenue.

24th: Ninth Street in Industrial Park Addition running from Hanna street east to city limits be known and called ~~McKee~~ McKee Street.

25th: Tenth Street in Industrial Park Addition running from Hanna street east to city limits be known and called Colerick Street.

Section 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana this the 25th day of January 1898:

Attest
Henry B. Manning
City Clerk

Approved January 28th 1898
Mayor

General Ordinance No 84

Introduced by John Mohr.

An Ordinance fixing the bond of the City Comptroller

Whereas at the commencement of operations under the new charter the public bond of the City Comptroller was fixed at twenty five thousand Dollars, and has remained at that figure: and, whereas the funds to the credit of the city with the treasurer are likely at times to amount to one hundred and fifty thousand dollars or more, to which the Comptroller is, by voucher, allowed unrestricted access. Therefore,

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, Indiana, that the bond of the successor to the present incumbent of the office of City Comptroller is hereby fixed at the sum of one hundred and fifty thousand dollars.

Section 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne Indiana, this the 22nd day of February. 1898.

Attest
Henry B Morning
City Clerk

Approved Feby 24th. 1898
Henry R Schere
Mayor.

General Ordinance No. 85.

Introduced by W. M. Glenn

An Ordinance annexing to the corporate limits of the City of Fort Wayne, Indiana, all of that tract of land known as Williams Grove.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, Indiana, that the following described contiguous territory known as Williams Grove be annexed to and become a part of said City.

All that tract of land located in the southeast quarter of Section 11, Township 30, North Range 12 east, lying west of Webster street, north of Woodland Avenue, east of Hoagland Avenue and south of Creighton Avenue. All of said tract of land situate in Allen County, and lying directly contiguous to the present city limits of said City.

Section 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the publication of the same once each week for two consecutive weeks in a daily newspaper of General circulation printed and published in the City of Fort Wayne.

Published in Fort Wayne Sentinel Feb 26 & Mar 5.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 22nd day of February 1898.

Attest
Henry B. Wenning
City Clerk

Approved Feby 24th 1898
Henry P. Scheiner
Mayor

General Ordinance No 86

Introduced by Chas Haag

An Ordinance changing Georgia Avenue to Knitters Avenue.

Section 1: Be it enacted by the Common Council of the city of Fort Wayne, that Georgia Avenue in the City of Fort Wayne be called Knitters Avenue.

Section 2: This ordinance to be in full force and effect on and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne Indiana, this the 8th day of March 1898

Attest
Henry B. Fleming
City Clerk

Approved March 9th 1898
Henry C. Schurer
Mayor.

General Ordinance No 87

Introduced by S McMahon P J Scheid

An Ordinance authorizing the employment of certain clerks, assistants and employes fixing the compensation, salaries and wages of certain Officers, Clerks and employes in the City of Fort Wayne, Indiana, repealing conflicting Ordinances and fixing the time when this Ordinance shall take effect.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, Indiana, that the officers, clerks, assistants and employes of the City of Fort Wayne, Indiana, shall respectively receive the compensation, salaries and wages as hereinafter in this Ordinance provided. The employment of such Clerks and assistants as are hereinafter named is hereby authorized and the compensation and salaries of such Clerks and assistants are hereby fixed at the sums and amounts respectively named for said Clerks and assistants.

Section 2: The Mayor of the City of Fort Wayne, Indiana, shall receive a salary at the rate of $2500. per anum.

The Comptroller of the City of Fort Wayne, Indiana, shall receive a salary at the rate of $2000. per annum

The City Attorney shall receive a salary at the rate of $1750. per anum.

The City Clerk shall receive a salary at the rate of $1500. per anum.

For the Department of Public Works.

The City Civel Engineer shall receive a salary of Two Thousand ($2000.) Dollars per anum.

The assistant City Civil Engineer shall receive a salary at the rate of $85. per month.

The Stenographer shall receive a salary at the rate of $40. per month.

The Superintendent of Street repairs shall receive a salary at the rate of $75. per month.

The Foreman of Street Repair shall receive a salary at the rate of $60. per month.

The Janitor of the City Hall shall receive a salary at the rate of $50. per month.

The assistant Janitor of the City Hall shall receive a salary at the rate of $35. per month.

The Custodian of Parks shall receive a salary at the rate of $70. per month.

Section 3. For the Department of Public Safety:

1st. For the Markets.
The Marketmaster shall receive a salary at the rate of $26. per month.

The City Poundmaster shall receive a salary at the rate of $40.00 per month.

The City Weighmaster shall receive a salary at the rate of $55.00 per month.

2nd. For the Department of Police:

The Superintendent of Police shall receive a salary at the rate of $1200. per annum.

The Captain of Police shall receive a salary at the rate of $900. per annum.

The Lieutenant of Police shall receive a salary at the rate of $840. per annum.

The Sergeants of Police shall receive a salary at the rate of $800. per annum.

The Patrolmen shall receive a salary at the rate of $60. per month.

The Patrol-Drivers shall receive a salary at the rate of $50. per month.

The Station-Clerks shall receive a salary at the rate of $40. per month.

The Electrician shall receive a salary at the rate of $35. per month.

The Humane Officer shall receive a salary at the rate of $35. per month.

3rd: For the Fire Department:

The Chief of the Fire Force shall receive a salary at the rate of $1200. per annum.

The Engineers shall receive a salary at the rate of $75. per month.

The Captains shall receive a salary at the rate of $65. per month.

The Electrician shall receive a salary at the rate of $60. per month.

The Firemen of "Class A" shall receive a salary at the rate of $60. per month.

The Firemen of "Class B." shall receive a salary at the rate of $55. per month.

The Fireman of "Class C" shall receive a salary at the rate of $50. per month.

The Telephone Attendant at Engine House No. 1 shall receive a salary at the rate of $40. per month.

4th: For the Department of Public Health and Charities.

One Special Sanitary Policeman shall receive a salary at the rate of $45. per month.

One Special Sanitary Policeman shall receive a salary at the rate of $45. per month.

One Special Sanitary Policeman shall receive a salary at the rate of $45. per month.

5th. Councilmen $150, per annum.

Section 4: The Compensations, salaries and wages enumerated in and provided for in the foregoing sections of this Ordinance also that of the Mayor and City Clerk shall be paid out of the Funds of the City Treasury appropriated and to be appropriated for such purposes.
Said salaries to be paid at the expiration of each month during the time of service.

Section 5. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 6. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, the the 14th day of June 1898.

Attest
Henry B. Manning
City Clerk

Approved June 14th 1898
Henry C. Schierer
Mayor

General Ordinance No 88

Introduced by Mayor.

An Ordinance providing for the destruction of Weeds and Noxious Plants within the City of Fort Wayne.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, that the growth of weeds or noxious plants within the City of Fort Wayne being deemed injurious to public health, is, within the limitations hereinafter set forth in this ordinance, hereby declared to be a nuisance.

Section 2. That it shall be unlawful for the owner or owners of any lot or ground within the City of Fort Wayne, to allow the same, or any street or alley upon which said lot or ground abuts, to become overgrown with weeds or noxious plants to such an extent that such overgrowth, within the opion of the Board of Public Health, is detrimental to public health and comfort.

Section 3. That it shall be the duty of the Board of Public Health of said City, through the sanitary officers employed by said Department, from time to time, to make careful inspection of all the lots, grounds, streets and alleys situate within the City of Fort Wayne, for the purpose of determining whether or not any weeds or noxious plants have been permitted to grow thereon of a character or to such an extent that they are or about to become injurious to the health or comfort of the citizens of said city; that it shall be the duty of said sanitary officers, from time to time, to make report to said Board of Public Health the result of their investigations. Whenever such officer or officers shall discover any lot, ground, street or alley upon which weeds or noxious plants ~~plants~~ have been permitted to grow of a character or to such an extent as to be about to become injurious to public health, they shall make report thereof, in writing, to said Board of Public Health, giving the name or names of the owner or owners of such lot or ground upon which said weeds have been permitted to grow, or the name or names of the owner or owners of the lot or ground abutting upon the street or alley upon which such weeds have been permitted to grow.

Published in the Fort Wayne Journal July 5th & 11th 1898

Thereupon said Board of Public Health shall make full examination into the facts so reported, and if, in their judgment, the weeds or noxious plants therein referred to are injurious to public health, they shall so find and order such weeds abated and destroyed as a nuisance. Their conclusions shall, in all cases, be reduced to writing and placed of record in the office of the Board of Public Health.

Thereupon said Board of Public Health shall require a written notice to be served upon the owner or owners of said lot or ground, directing that the weeds growing on said lot or ground, or in the street or alley upon which said lot or ground abuts, as the case may be, shall be cut and burned or otherwise removed therefrom in the manner in which said Board of Public Health shall order in said notice.

Said notice shall be served, either personally on the defendant, or by leaving a copy thereof at his last and usual place of residence, and the original thereof, with the time of service indorsed thereon, shall be returned to said Board of Public Health. In case such owner is unknown, or is not a resident of said City said Board shall cause a notice to be published in a daily newspaper of general circulation for three (3) days in one week.

Section 4: That the owner or owners or their agent upon whom the notice, hereinbefore required, shall have been served, failing to remove said weeds, as in such notice directed, within three (3) days from the time of its service, or after the last day of publication, as the case may be, said Board of Public Health shall order the same be done by the proper officer or officers of their department, and that the cost thereof shall be promptly reported to them.

Thereupon said Board of Public Health shall certify the cost of removing said weeds to the City Comptroller to be paid out of any moneys appropriated for that purpose.

The Comptroller upon payment of said claim shall present the same to the owner or owners of said lands or lots for re-payment of the amount expended by the City in clearing said property and

in case that the owner shall refuse to pay the same upon demand, then the amount may be recovered from said owner in an action of debt in the name of the City.

Section 5: That any owner of any lot or ground within the City of Fort Wayne, after notice has been served upon him or her as in this ordinance provided, who shall fail to comply with the order of said Board of Public Health within ten (10) days thereafter, shall be deemed guilty of misdemeanor, and upon conviction there of shall be fined in any sum not exceeding fifty (50) dollars.

Section 6: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 7: This Ordinance to be in full force and effect on and after its passage, approval by the Mayor and legal publication.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 28th day of June 1898.

Attest
Henry B Monning
City Clerk.

Approved July 1st 1898
[illegible]

General Ordinance No 89

Introduced by P. J. Scheidt

An Ordinance to license Plumbers, Gas Fitters, and Water pipe fitters and regulating their employment in and upon the streets, alleys and Public Grounds in the City of Fort Wayne, Indiana.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, That hereafter no person, firm or corporation shall engage in the business of plumbing, gas fitting or water pipe fitting, in or upon any of the streets, alleys or public grounds of the City of Fort Wayne, unless said person, firm or corporation shall have first obtained a license so to do, from the said City of Fort Wayne, and shall have given bond in the sum of Five Thousand Dollars ($5000.) payable to the City of Fort Wayne, as hereinafter provided.

Section 2: Any person, firm or corporation desiring to engage in the business or occupation of plumbing gas fitting or water pipe fitting, in or upon any of the streets, alleys or public grounds in the City of Fort Wayne, shall before entering upon such employment file an application for a license with the Board of Public Works. Which application shall state the business in which the applicant desires to engage, and said applicant shall also file his bond with the said Board of Public Works with at least two free hold sureties in the sum of Five Thousand Dollars. ($5000.) payable to the City of Fort Wayne, Indiana, and to the approval of the said Board of Public Works.

Published in the Fort Wayne Journal July 5th & 11th 1898

Said Bond conditioned that the applicant for said license shall perform all services and labor in the said business named in said application, in a good workmanlike manner. That applicant will before making any opening in any street, alley or public ground, for the purpose of prosecuting his said work, apply for and obtain a seperate and distinct permit from the Board of Public Works.

That in the application for said permit, said applicant will give an exact location of the place opened and the character of the work to be done; and conditioned further, that said applicant will guard excavations made in a way to protect the public; refill all openings made in streets, alleys and public places within the city in a careful manner, and maintain such refilled places for a period of two (2) years thereafter, and conditioned further that if applicant makes excavations in any paved street or alley that said displacement will be repaired with such new material and in such proportions, as the pavement originally contained. And that if said conditions are not so performed, said applicant and sureties shall be liable on said bond for such failure in damage to the City of Fort Wayne, Indiana, or to any person, persons or corporation that may be injured by said failure, and the City of Fort Wayne or any one injured may recover on said bond.

Section 3: Whenever any application is presented and bond filed and approved as is herein provided, the Comptroller is hereby authorized to grant a license to such applicants upon the order of the Board of Public Works, and upon said applicant paying the sum of $2.00; and it shall be the duty of the Clerk of the Board of Public Works to file said application and record said bond.

Section 4: No license issued under the provisions of this ordinance shall be good for more than one year from its date, and thereafter, a new application and bond must be filed and new license issued under the provisions of this ordinance, the same as if none had been filed or license issued.

Section 5: Any person, firm or corporation engaging in the business or occupation of plumbing, gas fitting or water pipe fitting in or upon the streets, alleys or Public Grounds of the City of Fort Wayne, or attempting to so engage without having first obtained a license and filed a bond as provided in this ordinance, or shall in any way violate any of the provisions of this ordinance, shall on conviction of su

violation, pay a fine not exceeding $100.00 and not less than $5.00 for each offence so committed.

Section 6: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 7: This ordinance to be in force on and after its passage and approval by the Mayor and the publication of the same once each week for two (2) consecitive weeks in a daily newspaper of general circulation, printed and published in the City of Fort Wayne.

Done at the Council Chamber in the City of Fort Wayne Indiana this the 28th day of June 1898.

Attest
Henry B. Morning
City Clerk

Approved July 1st 1898
[illegible]

General Ordinance No 90

Introduced by W. E. Gerding

An Ordinance prohibiting any person, firm or corporation not a licensed plumber sewer builder, gas fitter, or water pipe fitter from excavating in any street, alley or public grounds within the City of Fort Wayne, without first obtaining a permit from the Board of Public Works, and giving bond, and providing penalty for its violation.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, that no person, firm or corporation, not a licensed plumber, sewer builder, gas fitter or water pipe fitter shall injure or tear up any pavement, sidewalk or cross walk or any part thereof, dig any hole, ditch or drain, or dig or remove any sod, stone, earth, sand or gravel from any street, avenue, alley or public grounds in the City of Fort Wayne, without first having applied for and obtained a special permit from the Board of Public Works. The application filed, must specifically locate the point of excavation, and, upon permission being granted, said applicant to execute a bond to the City of Fort Wayne, for such sum as may by the Board be deemed necessary, conditioned that said applicant will guard all excavations made in a way to protect the public, refill all openings made in the streets, alleys and public grounds within the City in a careful manner and maintain such refilled places for a period of two (2) years thereafter and conditioned further that if applicant makes excavations in any paved street or alley, that said displacement will be repaired with such new material and in such proportions as the pavement originally contained. If the conditions of his bond are not complied with, principal and sureties on said bond shall be liable unto the City of Fort Wayne, in damage, or to any person, persons or corporation that may be injuried by such failure, and the City of Fort Wayne, or any one injuried may recover on the said bond.

Published in the Fort Wayne Journal July 5th & 11th 1898

Section 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed

Section 3: Any person violating any provisions of this ordinance shall upon conviction of such violation, pay a fine not exceeding $100.00 and not less than $5.00 for each offence so committed.

Section 4: This ordinance to be in full force and effect on and after its passage, approval by Mayor and legal publication.

Done at the Council Chamber, in the City of Fort Wayne Indiana, this the 28th day of June 1898

Attest
Henry B. Morning
City Clerk.

Approved July 1st 1898
Alvin P. De[illegible]
Mayor

General Ordinance No 91.

Introduced by D.S. Eckert.

An Ordinance declaring building, walls or structures which are unsafe or dangerous to occupants or passers-by or the adjoining building, or which are unsafe or dangerous for the purposes for which they are used, or are in danger of being set on fire from any defect in their construction, or is especially dangerous in case of fire by reason of the bad condition of walls or lack of sufficient stairs or means of egress in case of fire, or from overloaded floors, defective construction or other cause, to be a nuisance, providing for the removal of the same, the giving of the notice to the property holders or occupants and for the collection of the expense of such removal.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, Indiana, that any building, wall or structure which is unsafe or dangerous to occupants or passers-by, or to adjoining buildings, or which is unsafe or dangerous for the purposes for which it is used, or is in danger of being set on fire from any defect in its construction, or is especially dangerous in case of fire by reason of the bad condition of walls or lack of sufficient stairs or means of egress in case of fire, or from overloaded floors, defective construction or other cause as is hereby declared a nuisance.

published in the Ft Wayne journal July 16th 20th

Section 2: Whenever it shall come to the knowledge of the Board of Public Works of the City of Fort Wayne, or complaint shall be made by two (2) or more citizens, that any building, walls or structures within said City of Fort Wayne, is in the condition or of the character described in the preceding section, said Board of Public Works shall forthwith fix the time and place, when and where the Board shall sit to hear and decide whether any such building is in such dangerous condition, and shall cause a notice of such meeting, setting the time, place and purpose thereof, to be served upon the owner, owners or occupants thereof, if he or they reside in the City, and if the owner, owners or agents or occupants of said building, can not be found within said City, then such notice shall be published for three consecutive days in a paper of general circulation in said City. Such notice shall be served or such publication completed at least one (1) day before the time fixed for holding such meeting.

Section 3: At such meeting, said Board shall proceed to hear all the evidence offered by any one interested in the

matter, and also personally inspect the premises, and shall thereupon decide whether or not such building is in any such dangerous condition, and such decision shall be entered at length upon the records of the proceedings of said Board and shall describe wherein the danger exists, and said Board shall also enter upon their records an order, directing the owner or owners, agents or occupants, within a reasonable time, to be fixed by said Board, and specified in such order, to make the same safe, in such way as may be directed by said Board and specified in such order, or to tear down and remove the same, if a removal thereof is deemed necessary by said Board.

Section 4: Whenever any owner, owners, agent lessee or occupant, shall neglect, or refuse to comply with any order made, under the provisions of the preceding section, within the time specified in such order, he shall be subject to a fine of not less than $10.00, or not more than $100.00, for each and every day such violation of any such order shall continue after the expiration of the time specified in such order; and the Board shall proceed to tear down and remove such unsafe and dangerous structures or to make the same safe as they may have deemed it necessary.

Section 5: An itemized account of the expenses of tearing down and of moving such structure, or of putting the same in a safe condition, shall be kept by the Board of Public Works, and shall be rendered to the owner of such structure for payment.

In case that the owner shall refuse to pay the same upon demand, then the same may be recovered from said owner in an action of debt in the name of the City.

Section 6: In all cases where the public safety requires immediate action, the Board of Public Works may enter upon the premises, without any preliminary steps in this ordinance, providing, with such assistance as may be necessary, and cause such structure to be secured or taken down without delay, and collect the expense of such removal in the same way as provided in Section 5. of this ordinance.

Section 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8: This ordinance to be in full force and effect on and after its passage, approval by the Mayor and legal publication.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 12th day of July 1898.

Attest
Henry B. Manning
City Clerk

Approved July 14th 1898
[illegible]
[illegible]

General Ordinance No 92

Introduced by Ex. Schaehler

An Ordinance prohibiting children under the age of fifteen years to be found upon any of the public streets, alleys or public grounds of the City between the hours of 9 o'clock P.M. and 4 o'clock A.M. standard time, from the 1st day of April to the first day of November, and from 8 o'clock P.M. to 4 o'clock A.M. from the first day of November to the first day of April of each year and providing a penalty for the violation thereof.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, Indiana, that it is hereby made unlawful for any person under fifteen years of age to be or remain in or upon any of the streets, alleys or public grounds in the City of Fort Wayne, at night after the hour of 9 o'clock P.M. and 4 o'clock A.M. standard time from the 1st day of April to the 1st day of November and from 8 o'clock P.M. to 4,0 o'clock A.M. from the 1st day of November to the 1st day of April of each year unless such person is accompanied by their parent, guardian or other person having the legal custody of such minor person or is in performance of an errand or duty directed by such parent, guardian or other person having the care and custody of such minor person or whose employment makes it necessary to be upon such streets, alleys or public grounds during the night-time after such specified hours.

Section 2: It is hereby made unlawful for any person, guardian or other person having the legal care and custody of any person under fifteen years of age to allow or permit any child, ward or any person under such age while in his legal custody to go or be in or upon any of the streets, alleys or public grounds of said City within the time prohibited in Section 1: of this Ordinance unless their is to reasonable necessity therefore.

Published in the Ft. Wayne Journal Sept 20 & 27th 1895

Section 3: Each member of the Police Force while on duty is hereby authorized to arrest without warrant any person wilfully violating the provisions of Section 1: of this Ordinance and retain such person for a reasonable time in which complaint can be made and a warrant issued and served. Be it further ordained that no child or minor person arrested under this Ordinance shall be placed in confinement

until their parents have been notified and their wishes ascertained and they shall have refused to be held responsible for the observance of this Ordinance by said minor person.

Section 4: It shall be the duty of the Mayor upon the arrest of any child or minor person where the parents or guardian have refused to become responsible for said minor person for violation of the provisions of Section One (1) of this Ordinance to inquire into the facts of said arrest and the condition of circumstances of such child or minor person and if it shall appear that such child or minor person for want of proper parental care, is growing up in mendicacy or vagrancy or is incorrigible, cause the proper proceedings to be had and taken as authorized and provided by law in such cases.

Section 5: Any person violating any of the provisions of this Ordinance shall upon conviction be fined in any sum not exceeding Twenty five ($25.00) dollars.

Section 6: This Ordinance shall take effect and be in force from and after its passage, approval and publication according to law.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 13th day of September 1898

Attest
Henry B. Morning
City Clerk

Approved September 19th 1898
Henry P. Scherer
Mayor.

General Ordinance No 93

Introduced by [illegible]

An Ordinance confirming and approving a certain agreement and Contract, made and entered into on the 8th day of August, 1898, by and between the City of Fort Wayne and the Jenny Electric Light and Power Company.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, That the Contract and agreement, heretofore, to-wit: on the 8th day of August, 1898, made and entered into by the City of Fort Wayne, by and through the Board of Public Works of said City, and the Jenny Electric Light and Power Company, by and through its proper officers, as fully set out in the preamble hereto, be and the same is hereby, in all things, confirmed and approved, except such part of Section 4: as by aggreement of parties has been stricken out.

Section 2: This ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 13th day of September, 1898,

Attest
Henry B. Morning
City Clerk

Approved September 19th 1898
Henry P. Scherer
Mayor.

General Ordinance No 94.

Introduced by P. J. Scheid

An Ordinance fixing the tax levy for City purposes for the year 1898.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, Indiana, that a levy of ninety five (95) cents upon each $100. of assessed valuation of all the property within the limits of the City of Fort Wayne, be made for the year 1898, also that there shall be collected of each male inhabitant liable by law a poll tax of $2.00 all money derived from said levy to be appropriated and used for the following purposes.

General purposes and Interest.	86 1/4	Cents
Sinking Fund	05	"
Anthony Wayne Monument Fund.	00 1/4	"
Firemens Pension Fund	01	"
Municipal Electric Plant	02 1/2	"
Total	95	Cents

Section 2: That all of said taxes shall be collected by semiannual installments.

Section 3: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana this the 27th day of September, 1898

Attest
Henry B. Morning
Clerk

Approved October
Henry R. Lee
Mayor

General Ordinance No 95

Introduced by Com. C. W. Clark

An Ordinance confirming and approving a certain agreement and contract, made and entered into on the 13th day of September 1898, by and between the City of Fort Wayne and the Jenney Electric Light and Power Company.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, that the contract and agreement, heretofore, to-wit; on the 13th day of September 1898, made and entered into by the city of Fort Wayne, by and through the Board of Public Works of said City, and the Jenney Electric Light and Power Company, by and through its proper officers as fully set out in the preamble hereto, be and the same is hereby, in all things, confirmed and approved.

Section 2: This ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 11th day of October, 1898.

Attest
Henry B. Morning

Approved October 13th 1898
Henry R. Jos[illegible]

General Ordinance No 96

Introduced by J. W. Mahon

An Ordinance annexing to the corporate limits of the City of Fort Wayne, the contiguous territory lying south of Killea street, east of Hoagland Avenue, west of Calhoun street, and north of Richardville Avenue.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, Indiana, that all the following described contiguous territory be annexed and become a part of said City: Commencing at the intersection of Hoagland Avenue and Killea street, thence south on Hoagland Avenue produced south to its intersection with Richardville Avenue, thence east on the center line of Richardville Avenue to its intersection with Calhoun street, thence north on the center line of Calhoun street to its intersection with Killea street, thence west on Killea street to place of beginning.

All of said territory being situated in Allen County, Indiana, and lying directly contiguous to the present limits of said City.

Published in the "Weekly Sentinel" Journal

Section 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and publication of the same once a week for two consecutive weeks in a daily newspaper of general circulation printed and published in the City of Fort Wayne.

Done at the Council Chamber in the City of Fort Wayne, Indiana this the 7th day of November, 1898.

Attest
Henry B. Manning
City Clerk

Approved November 9th 1898
Henry P. Scherer
Mayor

General Ordinance No. 97.

Introduced by S. McMahon

An Ordinance annexing to the corporate limits of the City of Fort Wayne, the contiguous territory lying west of city limits, south of the P. F. W. & C. Railroad and north of Guthrie street.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, Indiana, that all the following described contiguous territory be annexed and become a part of said City.

Commencing at the intersection of the north line of the right-of-way of the P. F. W. & C. Railroad with the center line of Lavina Avenue produced north to said point, thence south following the center line of Lavina Avenue to Guthrie street, thence east to the east line of out-lot No 14 of Ewing's out-lots, thence north on the east line of Ewing's out-lots Nos 14 and 13 to Taylor street, thence north on Garden street to the north line of the right-of-way of the P. F. W. & C. Railroad thence west to the place of beginning.

Published in the [illegible] times as [illegible] 5

All of said territory being situated in Allen County, Indiana, and lying directly contiguous to the present limits of said City.

Section 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and publication of the same once a week for two consecutive weeks in a daily newspaper of general circulation printed and published in the City of Fort Wayne.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 7th day of November 1898.

Attest
Henry B. Manning
City Clerk

Approved November 9th 1898
Henry P. [illegible]
Mayor

General Ordinance No 98

Introduced by Wm J. Lermack

An Ordinance annexing to the corporate limits of the City of Fort Wayne, Indiana, the contiguous territory lying south of City limits, west of Hanna street, east of Calhoun street and north of the line hereinafter described.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, Indiana that all the following described contiguous territory be annexed and become a part of said City: Commencing at the intersection of Calhoun street and Esmond street, thence south on Calhoun street to its intersection with Richardville Avenue, thence east on the center line of Richardville Avenue and the center line of Richardville Avenue extended east to center line of Hanna street, thence north on the center line of Hanna street to the south line of Trentman and Monning's Addition, thence west to the west line of Trentman and Monning's Addition, thence north to the center line of Pontiac street, thence west to the east line of Sanders and Metcalf's Sub-division, thence south on the east line of Sanders and Metcalf's Sub-division and Boltz's Sub-division to Boltz street, thence west on Boltz street to center line of Lafayette street, thence south on center line of Lafayette street to Esmond street, thence west on center line of Esmond street to place of beginning.

All of said territory being situated in Allen County, Indiana, and lying directly contiguous to the present limits of said City.

Section 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and publication of the same once a week for two consecutive weeks in a daily newspaper of general circulation printed and published in the City of Fort Wayne.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 7th day of November, 1898.

Attest
Henry B. Monning
City Clerk

Approved November 9th 1898
Henry P. Scheer
Mayor

General Ordinance No. 99.

Introduced by Henry Schwartz

An Ordinance accepting the gift of a plat of ground to the City by Henry M. Williams Esq. for Park purposes.

Whereas, Henry M. Williams, Esq., of the City of Fort Wayne, did on the 13th day of December, 1898, present to the City of Fort Wayne, a plat of ground for park purposes, situated at the junction of South Calhoun Street and Pigua Avenue. Therefore,

Section 1: Be it enacted by the Common Council of the City of Fort Wayne, Indiana, that the gift of the plat of ground by Henry M. Williams, for Park purposes at the junction of South Calhoun Street and Pigua Avenue, be and is hereby accepted by the City with the conditions thereto, and the Comptroller is hereby authorized to accept the deed thereof, and have the same spread of record in the Office of the County Recorder of Allen County.

Section 2: This Ordinance to be in full force and effect on and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana this the 27th day of December 1898.

Approved December 29th 1898.

Henry P. Scherer
Mayor

Attest
Henry B. Manning
City Clerk

General Ordinance No 100.

Introduced by
A. L. Wheelock
& By. Feustein

An Ordinance, Requiring the Board of Water Works Trustees to set aside as a sinking fund, to pay Interest and principal of Water Works indebtedness. Any surplus of the revenues of the Department, after paying operating expenses, and making all necessary Extensions.

Section 1: Be it enacted by the Common Council of the City of Fort Wayne, that the Board of Water Works Trustees are hereby required to set aside, as a sinking fund, any surplus of revenues of the department that may now exist or that may be accumulated during the year, after paying the operating expenses and making the necessary extensions. Said sinking fund to be used by said Board in November 1899, to the partial payment of the interest and principal of Water Works bonds coming due at that time.

Section 2: This Ordinance to be in full force and effect on and after its passage and approval of Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 24th day of January, 1899.

Attest
Henry D. McDonald
City Clerk

Approved January 30th 1899
Henry P. Scheiner
Mayor.

General Ordinance No 101.

Introduced by Lehue Heavy.

An Ordinance requiring the Wabash Railroad Company to erect and maintain Gates at the intersection of the Wabash Railroad and Walton Avenue.

Preamble, Whereas, Walton Avenue is one of the principle streets that extends north and south across the eastern portion of the City, and whereas, the point where said avenue crosses the Wabash Railroad is so located that the use of it by the public without gates being erected and maintained, is extremely dangerous, Therefore,

Section 1: Be it enacted by the Common Council of the City of Fort Wayne, that it shall be the duty of the Wabash Railroad Company to erect and maintain Safety Gates on each side of their tracks where the same crosses Walton Avenue in the City of Fort Wayne, within forty five (45) days after the passage of this Ordinance. Said gates to be such as are in general use by said Company at other crossings where gates are erected and maintained.

Section 2: A reliable and competent man shall be employed to operate said gates when erected, who shall be and remain at his post of duty from six (6) O'clock A. M. till nine (9) o'clock P. M. of each and every day when trains are running, except when relieved by some other competent and reliable person.

Section 3: If the said Wabash Railroad Company fails or neglects to erect and maintain said Safety gates as and within the time as above provided, it shall be fined the sum of ten ($10) dollars on complaint of any citizen of said City filed before the Mayor of the City, and each and every day said crossing is allowed to remain unprotected and without said gates properly erected and maintained after the expiration of time as specified above, shall be deemed as seperate offence.

Section 4: It shall be the duty of the Superintendent of Police to serve personal notice of the passage of this Ordinance on some officer or agent of said railroad above named, and make return of said service to the City Clerk, but failure to serve said notice shall not be construed to release said Company from the express provisions thereof, when the same has been published according to law.

Section 5: This Ordinance to be in full force and effect on and after its passage, approval and legal publication.

Done at the Council Chamber, in the City of Fort Wayne Indiana, this the 14th day of March, 1899.

Attest
Henry B. Manning
City Clerk

Approved March 16th 1899
Henry C. Scheer
Mayor.

General Ordinance No 102.

Introduced by ... & Read 1st time

An Ordinance authorizing the issue and sale of Two Hundred and Seventy Thousand ($270.000) Dollars of Water Works Refunding Bonds of One Thousand ($1000.) dollars each of the City of Fort Wayne, in order to raise money to take up and refund bonds bearing dates November 15th, 1879, December 31st, 1879, and January 15th, 1880, prescribing the time and manner of advertising or sale of said Water Works Refunding Bonds and of the receipt of the bids for the same together with the mode and terms of sale: appropriating the proceeds of the sale of said Refunding Bonds for the payment of said outstanding bonds, and providing for the refunding of the indebtedness of the said City of Fort Wayne represented by said bonds and matters connected therewith and fixing a time when the same shall take effect.

Whereas, the City of Fort Wayne, Indiana, duly authorized by the Common Council of said City issued the following bonds for the purpose of erecting Water Works for said City, issued on the dates stated and for the amounts as follows:

November 15th, 1879— $ 100.000. payable November 15th, 1899, with 6 per cent interest from date of issue payable semi-annually; on the 31st, day of December, 1879, $24.000. payable on December 31st, 1899, with interest at 5 per cent payable semi-annually: on January 15th, 1880, $146.000. payable January 15th, 1900, with 6 per cent interest from date payable semi-annually, and

Whereas, said Bonds were duly issued and sold by said City and the proceeds thereof used for the construction of Water Works for said City, and

Whereas, said bond will mature as above stated:

$ 100.000. on November 15th, 1899,

$ 24.000. on December 31st 1899,

$ 140.000. on January 15th 1900, and

Whereas, there is not now and will not be sufficient funds in the hands of the Treasurer of said City not otherwise appropriated to pay said bonds when they become due.

Section 1: Therefore, be it ordained by the Common Council of the City of Fort Wayne, that the City Comptroller of said City be and the same is hereby authorized and directed to refund Two hundred and seventy thousand ($270.00.) dollars of the indebtedness of said City at maturity which said indebtedness is represented by the following bonds:

One hundred bonds (100) numbered from one to one hundred inclusive of $1000. each dated November 15th 1879 and maturing November 15th 1899.

Twenty four bonds (24) of $1000. each numbering from one to twenty four inclusive dated December 31st, 1879 and maturing December 31, 1899.

One hundred and forty six (146) bonds of $1000 each, numbering from one to one hundred and forty six inclusive dated January 15th, 1880 and maturing January 15th 1900, issued under and by authority of General Ordinances approved as follows:

An Ordinance for the issue of $10.,000 approved October 28, 1879
An Ordinance for the issue of $24.000. approved December 9th 1879.
An Ordinance for the issue of $146.000. approved December 23, 1879.

Section 2: That the City Comptroller is hereby directed and authorized for the purpose of refunding said indebtedness of Two hundred and seventy thousand ($270,000. dollars to prepare and sell two hundred and seventy (270) new bonds of the City of Fort Wayne, Allen County, Indiana, of the sum of One thousand ($1000.) dollars each which bonds shall bear date of May 15th 1899, shall be designated "Fort Wayne Indiana, Water Works Refunding Bonds 1899," shall bear interest at the rate of 3½ per cent per annum, which interest shall be payable semi-annually on the 15th day of November and the 15th day of May, each year, and said instalments of interest shall be evidenced by interest coupons attached to said bonds. Said bonds and interest coupons shall be made payable at the office of the United States Mortgage & Trust Company of the City, County and State of New York, and said bonds shall be issued as follows.

240 bonds shall run for twenty (20) years from date of the issue each bond for the sum

of $1000 and shall be designated as "Series A" and numbered from one to 240 inclusive.

30 bonds shall run for ten (10) years from date of issue, each bond to be for the sum of $1000. and designated as "Series B" numbering from 1 to 30 inclusive.

All of the above bonds "Series A and B" shall be signed by the Mayor and City Comptroller who shall affix the seal of said City to each of said bonds. All the interest coupons shall bear the litho-graph fac-simile signature of the Mayor and City Comptroller.

Said bonds shall be prepared by the City Comptroller in due form, irrevocably pledging the faith and credit of the City of Fort Wayne, Indiana, to the payment of the principal and interest stipulated therein respectively;

It shall be the duty of the City Comptroller at the time of the issuance and negotiation of said bonds to register in a book kept for that purpose all of said bonds so issued and negotiated. In said register shall be entered in serial number all bonds issued and negotiated beginning with No. one and there shall also be given the date of their issuance, their amount, date of maturity, rate of interest, the amount due semi-annually, the time and place where said interest shall be payable. Said bonds shall be substantially in the following forms, all blanks for numbers, dates, amounts, etc, to be properly filled by the Comptroller before the issuance of the bonds.

No— $1000.

Series A" City of Fort Wayne, 1919
State of Indiana, Allen County.
"Fort Wayne Water Works Refunding Bonds of 1849"

For value received, the City of Fort Wayne, Indiana, promises to pay to the bearer One Thousand ($1000.) Dollars in lawful money of the United States of America on the 15th day of May, 1919, with interest thereon at the rated of 3½ per cent,

per annum, payable semi-annually on the 15th. day of November and the 15th. day of May of each year upon the surrender and cancellation of the proper coupons hereto attached, both principal and interest being payable at the office of the United States Mortgage and Trust Company in the City, County and State of New York.

This bond is one of a series of two hundred and forty (240) bonds designated as Series "A" and numbered from one to two hundred and forty (1 to 240) inclusive, each of the same date, amount maturity, tenor and effect, which bonds have been issued in order to raise money to take up valid outstanding bonds of the city under and pursuant to the Ordinance fully and legally passed by the Common Council of said City, in strict conformity with, and as authorized by an Act of the General Assembly of the State of Indiana, entitled, "An Act concerning the incorporation and government of Cities having more than 35,000 and less than 49,000 population according to the last preceding United States census and matters connected therewith and declaring an emergency, approved March 3, 1893," and all acts supplementary thereto and amendatory thereof, and all things and acts required by the law of the State of Indiana, and by said Ordinance have happened and have been done and performed in and about the authorization, preparation, issue and complete execution of this bond, and this bond and the bonds refunded hereby are certified to be within every limit of indebtedness prescribed by the constitution and laws of the State of Indiana. The faith and credit of the said City of Fort Wayne, Indiana, is irrevocably pledged to the payment of principal and interest of this bond as herein stipulated.

In witness whereof the Common Council of the City of Fort Wayne, Indiana, has caused this bond to be signed by the Mayor and City Comptroller, on the 15th. day of May 1899.

H. P. Scherer
Mayor

Henry C. Bergh off.
Comptroller

Seal

"Series A" (Coupon)

No — $17.50

City of Fort Wayne Indiana promises to pay to bearer at the office of the United States Mortgage & Trust Company, in the City of New York Borough of Manhattan on the 15 day of ——, the sum of Seventeen and 50/100 Dollars, being six months interest then due on its Water Works Refunding Bond No —— dated May 15th 1899.

H. P. Scherer
Mayor

Henry L. Berghoff
Comptroller

No —— $1000.
"Series B" Due 1909

City of Fort Wayne
State of Indiana, Allen County.

Fort Wayne Water Works Refunding Bonds of 1899

For value received, the City of Fort Wayne, Indiana promises to pay to the bearer, One Thousand ($1000) Dollars in lawful money of the United States of America on the 15th day of May 1909 with interest thereon at the rate of 3½ per cent per annum, payable semi-annually on the 15 day of November and the 15 day of May of each year upon the surrender and cancellation of the proper coupons hereto attached, both principal and interest being payable at the office of the United States Mortgage & Trust Company in the City County and State of New York.

This bond is one of a series of thirty (30) bonds designated as "Series B" and numbered from one to thirty (1 to 30) inclusive each of the same date, amount, maturity, tenor and effect, which bonds have been issued in order to raise money to take up valid outstanding bonds of the City under and pursuant to the ordinance fully and legally passed by the Common Council of said City, in strict conformity with and as authorized by the Act of the General Assembly of the State of Indiana, entitled, "An Act concerning

the incorporation and government of cities having more than 35.000 and less than 40.000 population according to the last preceding United States Census and matters connected therewith and declaring an emergency, approved March 3, 1893" and all acts supplementatory thereto and amendatory thereof, and all things and acts required by the laws of the State of Indiana, and by said Ordinance have happened and have been done and performed in and about the authorization, preparation, issue and complete execution of this bond, and this bond and the bonds refunded hereby are certified to be within every limit of indebtedness prescribed by the Constitution and laws of the State of Indiana. The faith and credit of the said City of Fort Wayne, Indiana, is irrevocably pledged to the payment of principal and interest of this bond as herein stipulated.

In witness Where of the Common Council of the City of Fort Wayne, Indiana, has caused this bond to be signed by the Mayor and City Comptroller on the 15 day of May 1899

Henry C. Berghoff
Comptroller

H. P. Scherer.
Mayor.

Series B." (Coupon)

No — $17.50

City of Fort Wayne, Indiana, promises to pay to bearer at the office of the United States Mortgage and Trust Company, in the City of New York, Borough of Manhatan, on the 15 day of —— the sum of Seventeen and 50/100 dollars being six months interest then due on its Water Works Refunding Bond No —— dated May 15, 1899.

Henry C. Berghoff
Comptroller

H. P. Scherer
Mayor

The interest warrants or coupons attached to said bonds "Series A & B" shall be authenticated by the signature of the Mayor and City Comptroller engraven thereon, which shall for all purposes be taken and deemed to be equivalent to a manual signing thereof.

Section 3: For the purpose of providing for the payment of the principal and interest of the indebtedness of said City, the City Council shall annually levy a tax not to exceed five (5) cents on the dollar on all the property now subject to taxation for State and County purposes or which may hereafter become subject to such taxation in said City of Fort Wayne, Indiana, and the money so collected shall constitute a Sinking Fund for the purpose of securing the payment of the principal and interest of such bonds as may from time to time mature. The City of Fort Wayne hereby pledges its faith and credit for the payment of all bonds issued.

Section 4: That the City Comptroller shall, as soon as practicable after the passage of this Ordinance, sell such bonds in such manner as demanded by law and upon such terms as may seem to him most advantageous to said City; but no sale shall be made at less than the par value of said bonds, with the accrued interest, if any, and a premium sufficient to cover all expenses incident to the preparation and negotiation of said bonds.

Section 5: The Mayor and City Comptroller are hereby authorized to sign a contract upon behalf of the City for the sale and delivery of said bonds and to require from the purchaser such guarantees or security as they may deem necessary for the protection of the City's interest.

Section 6: The delivery of any bonds sold may be made at the option of the purchaser at any Bank or Trust Company in the City of New York at such time as may be specified in said Contract.

Section 7: Every bid or proposal which may be presented to the said City Comptroller shall be accompanied by a certified check upon some responsible bank in the City of New York or the City of Fort Wayne, Indiana, payable to the order of L. C. Hunter, Treasurer, or his successor for a sum of money which shall equal 1 per-cent of the face and par-value of the bonds bid for and proposed to purchase, and upon entering of contract a certified check of 2 per cent of the par value of said Bonds shall be deposited by the purchaser of said bonds with said Comptroller as a guarantee of the payment of such bonds on the specified day of delivery.

Section 8: The said City Comptroller shall have the right to reject any and all bids.

Section 9: The bonds when taken up and paid for to the satisfaction of the City Comptroller shall be binding obligations upon the City of Fort Wayne according to their tenor and effect. The proceeds derived from any sale or sales of any bonds as herein authorized, shall be and are hereby appropriated to the use of the Department of Finance to be applied as follows: that is to say to the payment of the principal of said $270,000. of bonds hereinbefore described and maturing and to the expense of issuance, sale and delivery of the bonds herein provided for, and the City Comptroller is hereby authorized to draw all proper and necessary warrants, and to do whatever act may be necessary to carry out the provisions of this Ordinance

Section 10: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 11th day of April 1899.

Approved April 20th 1899
Henry P. Scherer
Mayor

Attest
Henry B. Morning
City Clerk

General Ordinance. No 103.

Introduced by C. [illegible]

An Ordinance authorizing the issue and sale of Fifty Thousand Dollars ($50,000) refunding bonds of One Thousand ($1000) dollars each of the City of Fort Wayne, in order to raise money to take up and refund certain bonds bearing date of October 15th 1879, which will become due October 15th, 1899, prescribing the time and manner of advertising the sale of said refunding bonds and of the receipt of the bids for the same together with the mode and time of sale; appropriating the proceeds of the sale of said refunding bonds for the payment of the said outstanding bonds, providing the time and manner of the payment of said outstanding bonds, and providing for the refunding of the indebtedness of said City of Fort Wayne represented by said bonds and matters connected therewith, and fixing a time when the same shall take effect.

Whereas, on the 15th day of October, 1879, the City of Fort Wayne issued her bonds bearing interest at the rate of 6 per cent payable semi-annually to the amount of Eighty-five thousand dollars ($85000) payable at twenty (20) years from their date, which bonds will become due on the 15th day of October, 1899, and

Whereas, their is not now and will not be sufficient funds in the hands of the Treasurer of said City not otherwise appropriated to pay all of said bonds when they become due, and whereas the annual report of the Comptroller of said City for the year ending December 31st, 1898, recites and shows the date of the issuing of said bonds, the rate of interest thereon, and when the principal and interest of the same becomes due and payable, and

Whereas, said City is able and ready to pay off at maturity Thirty-five Thousand ($35000) dollars of said bonds.

Section 1: Therefore, Be it ordained by the Common Council of the City of Fort Wayne, Indiana, that the City Comptroller of said City be and the same is hereby authorized and directed to

refund Fifty Thousand ($50000) Dollars of the indebtedness of said City at maturity which said indebtedness is represented by fifty (50) bonds of said City numbering from 36 to 85 inclusive, bearing date of October 15th, 1879, issued under and by authority of a General Ordinance approved on the 14th day of October, 1879.

Section 2: That the City Comptroller is hereby directed and authorized for the purpose of refunding said indebtedness of Fifty Thousand ($50000) Dollars to prepare and sell fifty (50) new bonds of the City of Fort Wayne, Allen County, Indiana, of the sum of One Thousand Dollars ($1000) each, which bonds shall bear the date of 15th May, 1899, shall be designated as "Fort Wayne Refunding Bonds of 1899" shall bear interest at the rate of 3½ per cent per annum, which interest shall be payable semi-annually on the 15th day of November and the 15th day of May of each year, and said installments of interest shall be evidenced by interest coupons attached to said bonds. Said bonds and interest coupons shall be made payable at the office of the United States Mortgage & Trust Company of the City, County and State of New York and said bonds shall run from one to ten years from the 15th, day May 1899, as follows.
$5000 to be payable after the first year, $5000 payable after the second year and $5000 each year thereafter for eight (8) years and shall be signed by the Mayor and City Comptroller and shall have affixed the seal of said City to each of said bonds, and said interest coupons shall bear the lithograph fac-simile of the signatures of the Mayor and City Comptroller.
Said bonds shall be prepared by the City Comptroller in due form, irrevocably pledging the faith and credit of the City of Fort Wayne, Indiana, to the payment of the principal and interest stipulated therein respectively.

It shall be the duty of the City Comptroller at the time of the issuance and negotiation of said bonds to register in a book kept for that purpose all of said bonds issued and negotiated.

In said register shall be entered in serial number all bonds issued and negotiated beginning with No. 1. and there shall also be given the

date of their issuance, their amount, date of maturity, rate of interest, and the time and place where said interest shall be payable. Said bonds shall be substantially in the following form, all blanks for numbers and dates to be properly filled before issuance thereof.

No— $1000.

City of Fort Wayne
State of Indiana, Allen County

Fort Wayne Refunding Bonds of 1899.
Due in instalments 1-10 years

For value received, the City of Fort Wayne, Indiana, promises to pay to the bearer One Thousand ($1000) Dollars in lawful money of the United States of America on the 15th day of May 19— with interest thereon at the rate of 3½ per cent payable semi-annually on the 15th day of November and the 15th day of May of each year upon the surrender and cancellation of the proper coupons hereto attached, both principal and interest being payable at the office of the United States Mortgage and Trust Company in the City, County and State of New York,

This bond is one of a series of fifty (50) bonds numbered from one to fifty (1 to 50) each inclusive, each of the same date, amount, maturity, tenor and effect as follows:

No 1 to 5	inclusive	payable	on the	15th	day of May,	1900
No 6 to 10	"	"	"	15	" "	1901
No 11 to 15	"	"	"	15	" "	1902
No 16 to 20	"	"	"	15	" "	1903
No 21 to 25	"	"	"	15	" "	1904
No 26 to 30	"	"	"	15	" "	1905
No 31 to 35	"	"	"	15	" "	1906
No 36 to 40	"	"	"	15	" "	1907
No 41 to 45	"	"	"	15	" "	1908
No 46 to 50	"	"	"	15	" "	1909

Which bonds have been issued by the City of Fort Wayne in order to raise money to pay valid outstanding bonds of the City under

and pursuant to an Ordinance duly and legally passed by the Common Council of said City in strict conformity with and as authorized by an Act of the General Assembly of the State of Indiana, entitled, "An Act concerning the incorporation and government of cities having more than thirty five thousand (35000) and less than forty-nine thousand (49000) population according to the last preceding United States census and matters connected therewith, and declaring an emergency, approved March 3, 1893, and all acts supplementatory thereto and amendatory thereof and all things and acts required by the laws of the State of Indiana, and by said Ordinance have happened and have been done and performed in and about the authorization, preparation, issue and complete execution of this bond, and this bond and the bonds refunded hereby are certified to be within every limit of indebtedness prescribed by the Constitution and laws of the State of Indiana. The faith and credit of the said City of Fort Wayne, Indiana, is irrevocably pledged to the payment of the principal and interest of this bond as herein stipulated.

In Witness Whereof the Common Council of the City of Fort Wayne, Indiana, have caused this bond to be signed by the Mayor and City Comptroller on the 15th, day of May, 1899.

H. P. Scherer
Mayor

Henry C. Berghoff
Comptroller

(Seal)

Coupon

No — $ 17.50

City of Fort Wayne, Indiana, promises to pay to bearer at the office of the United Mortgage and Trust Company, in the City of New York, Borough of Manhatten on the 15th day ——— the sum of seventeen and 50/100 dollars, being six months interest due at that date on its Refunding Bond No — dated 15 May, 1898.

H. P. Scherer
Mayor

Henry C. Berghoff
Comptroller

The interest warrants or coupons attached to said bonds shall be authenticated by the signature of the Mayor and City Comptroller engraven thereon, which shall for all purposes be taken and deemed to be equivalent to a manual signing thereof.

Section 3: For the purpose of providing for the payment of the principal and interest of the indebtedness of said City, the City Council shall annually levy a tax not to exceed five (5) cents on the Dollar on all the property now subject to taxation for state and county purposes or which hereafter become subject to such taxation in said City of Fort Wayne, Indiana, and the money so collected shall constitute a Sinking Fund for the purpose of securing the payment of the principal and interest of such bonds as may from time to time mature. The City of Fort Wayne hereby pledges its faith and credit for the payment of all bonds issued.

Section 4: That the City Comptroller shall, as soon as practicable after the passage of this Ordinance, sell such bonds in such manner as demanded by law and upon such terms as may seem to him most advantageous to said City, but no sale shall be made at less than the par-value of said bonds, with the accrued interest, if any, and a premium sufficient to cover all expenses incident to the preparation and negotiation of said bonds.

Section 5: The Mayor and City Comptroller are hereby authorized to sign a Contract upon behalf of the City for the sale and delivery of said bonds and to require from the purchasers such guarantees or security as they may deem necessary for the protection of the City's interest.

Section 6: The delivery of any bonds sold may be made at the option of the purchaser at any Bank or Trust Company in the City of New York at such time as may be specified in said Contract.

Section 7: Every bid or proposal which may be presented to the said City Comptroller shall be accompanied by a certified check upon some responsible Bank in the City of New York or the City of Fort Wayne, Indiana, payable to the order of L. C. Hunter, Treasurer, or his successor for a sum of money which shall equal 1 percent of the face and par value of the bonds bid for and proposed to purchase and upon entering of contract a certified check of 2 percent of the par value of said Bonds shall be deposited by the purchaser of said bonds with said Comptroller as a guarantee of the payment of such bonds on the specified day of delivery.

Section 8: The said City Comptroller shall have the right to reject any and all bids.

Section 9: The bonds when taken up and paid for to the satisfaction of the City Comptroller shall be binding obligations upon the City of Fort Wayne, according to their tenor and effect. The proceeds derived from any sale or sales of any bonds as herein authorized, shall be and are hereby appropriated to the use of the Department of Finance to be applied as follows, that is to say to the payment of the principal of said $50000. of bonds hereinbefore described and maturing and to the expense of issuance, sale and delivery of the bonds herein provided for, and the City Comptroller is hereby authorized to draw all proper and necessary warrants, and to do whatever act may be necessary to carry out the provisions of this Ordinance.

Section 10: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 11th day of April, 1899

Approved April 20th, 1899
Henry P. Schurck
Mayor

Attest
Henry C. Manning
City Clerk

General Ordinance, No 104.

Introduced by Charles Hessig.

An Ordinance prohibiting persons from watering diseased Horses, Cows and other animals at any well or Public Drinking Fountain of the City of Fort Wayne.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, that it shall be unlawful for any person or persons to water any horse or horses, or and other animal that is afflicted with the glanders, nasal catarrh, or any other disease of contagious character, at any public drinking fountain, within the corporate limits of the City. Any person violating any of the provisions of this Ordinance shall be fined in any sum not exceeding one hundred dollars.

Section 2: This ordinance to be in force and effect on and after its passage, approval by Mayor and legal Publication.

Published in the Ft Wayne Journal Apr 2 20th and May 1st 18

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 11th day of April, 1899.

Approved April 20th 1899.
Henry P. Scheper
Mayor

attest
Henry B. Mommy
City Clerk

General Ordinance No 105.

Introduced by F. J. Bauer

An Ordinance defining the limits of the City of Fort Wayne, Indiana.

Whereas, since the General Ordinance defining the City limits passed November 24th 1885, has had several additions made to the same and it becomes necessary to have under one Ordinance the entire boundaries of our limits, Therefore;

Section 1; Be it ordained by the Common Council of the City of Fort Wayne, Indiana, that the limits of said City are as follows:

Commencing at the intersection of the center line of Glasgow Avenue with the Maumee river, thence south following the center line of Glasgow Avenue to its intersection with the center line of Maumee Avenue, thence west on the center line of Maumee Avenue to the alley between Wabash Avenue and Dubois street, thence south following the line of said alley to the center line of Wayne Trace, thence northwest following the center line of Wayne Trace to the center line of Walton Avenue, thence south on the center line of Walton Avenue to the center line of Pontiac street, thence west on the center line of Pontiac street to the intersection of the east line of Industrial Park Addition, thence south on the east line of Industrial Park Addition to the south line of said Addition, thence west on the south line of the said Industrial Park Addition to the center line of Hanna street, thence south on the center line of Hanna street to its intersection at a point where the center line of Richardville Avenue produced east would intersect the same, thence west on the center line of Richardville Avenue produced east to the center line of Richardville Avenue, thence west on the center line of Richardville Avenue and the same produced west to the St. Marys river, thence northeasterly following the meanderings of the St. Mary's river to its intersection with the south line of Vesey's Sub-division of Ewing's Out-Lot No. 15, thence east on the south line of said Vesey's sub-division to the center line of Lavinia Avenue, thence north

on the center line of Lavinia Avenue to the north line of the right-of-way of the Pittsburgh, Fort Wayne and Chicago Railroad, thence east on the north line of said right-of-way to the east line of Swinney Park, thence north on the east line of Swinney Park to the southeast corner of Swinney's Homestead, thence west to the southwest corner of said Homestead, thence north to the northwest corner of said Homestead, thence east to the northeast corner of said Homestead, thence north to the north bank of the St. Marys river, thence westerly following the meanderings of the St. Mary's river to the southwest corner of Lot No 107 in Rockhills Second Addition, thence southward to the east bank of St. Mary's river to a point 500 feet south of Main street, thence west to the west line of the right-of-way of the Lake Shore & Michigan Southern Railroad intersecting with Mill Creek, thence westward on the north bank of said Creek to its intersection with the west line of the Right-of-way of the Grand Rapids & Indiana Railroad, thence north on said west line to the of the Old Canal property, thence northeast on the north line of said Canal property to a point opposite the southwest corner of lot "C" Bash's" Addition thence north to center line of Spring street, thence west to a point opposite the center of Jesse Avenue, thence north on the center line of Jesse Avenue to the center line of Archer Avenue, thence east along the center line of said Archer Avenue to the center line of Wells street, thence north on the center line of Wells street to a point opposite the north line of the Catholic Orphan Asylum grounds, thence east on the north line of the Catholic Orphan Asylum grounds to the east line of the right-of-way of the Lake Shore & Michigan Southern Railroad, thence south on said east line to its intersection with the center line of Mill Road, thence easterly on the center line of Mill road to the west bank of Spy Run, thence following the meanderings of Spy Run to the southeast corner of Northside Park, thence west along the south line of Northside Park to alley east of Clinton street, thence south to the South bank of the St Marys river, thence southeasterly following the meandering of the

St Marys River and Maumee river to Columbia street thence east to the east Bank of the Maumee river, thence northerly following the meanderings of the Maumee and St Joseph rivers to the north line of Lakeside Park Addition, thence east on said north line to the east line line of said Addition, thence south on the east line of said Addition to the Maumee river, thence south to the south bank of the Maumee river, thence easterly following the meanderings of the Maumee river to its intersection with the center line of Glasgow Avenue.

Section 2: This Ordinance to be in full force and effect on and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 11th day of April, 1899.

Approved, April 20th 1899

Attest
Henry B. Manning
City Clerk

General Ordinance No. 106.

Introduced by Mr. Eckrote

(An Ordinance licensing, taxing and regulating Branch Stores or Establishments, and all other Concerns established in the City of Fort Wayne for temporary business only, and repealing all ordinances or parts of ordinances in conflict therewith."

Section 1. (Be it ordained by the Common Council of the City of Fort Wayne, That it shall be unlawful for any person or persons without having first obtained a special license therefor, as hereinafter provided, to establish any branch store or establishment or concern for the purpose of conducting or carrying on a temporary business in the City of Fort Wayne, or to sell at auction, retail or otherwise in said City any goods, wares or merchandise which shall have previously been offered for sale elsewhere, and which are exposed for sale in said City of Fort Wayne as placarded or advertised as "bankrupt stock," "bankrupt sale" "assignee's sale" "sale of damaged goods" "damaged stock" "closing out sale" "receivers sale" "fire sale" or any similar form or placard, sign or advertisement. Any person or persons desiring to establish a branch store or other concern in the City of Fort Wayne for temporary business purposes only, or to auction retail or offer for sale any such goods, wares or merchandise, shall before establishing any such branch store or business or before any of such goods, wares or merchandise are sold or offered for sale, pay to the Treasurer of said City, a license fee of two hundred and fifty dollars ($250) per week, therefor, and upon the presentation of the receipt of said Treasurer to the City Comptroller of said City shall receive from said Comptroller a license so to do. No license shall be issued for a less time than one week nor for a greater time than four weeks in any one period. Said applicant shall pay to said City, through its Comptroller, a fee of one dollar ($1.00) for issuing said license, and the Comptroller shall keep a register of the names of all persons to whom such licenses shall be issued, the length of time for which they shall have been issued, and the place where said sales are to be made.

The provisions of this ordinance shall not apply to public officers or persons making sales under any order or decree of any court. Any person violating the provisions of this ordinance shall upon conviction thereof be fined in any sum not exceeding one hundred ($100) dollars, or imprisonment for any period not exceeding thirty days or both. Each days sales made in violation of the provisions of this ordinance shall constitute a separate offence.

Section 2: That any ordinance or part of any ordinance in conflict herewith be and the same is hereby repealed.

Section 3: This ordinance shall take effect and be in force on and after its passage, approval by the Mayor and legal publication.

Done at the Council Chambers in the City of Fort Wayne Indiana this the 11th day of April, 1899.

Approved April 20th 1899.

Attest
Henry B. Morning
City Clerk

Mayor

General Ordinance No 107.

Introduced by P. J. Reichard

An Ordinance to further promote and secure the Public Health of the City of Fort Wayne, conferring upon the Department of Health and Charities the authority to condemn Water, and the authority to compel persons and Corporations to empty and clean Receptacles and Lots at stated intervals.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, that the Department of Health and Charities of said City of Fort Wayne is hereby granted full power and authority to enter upon any lot or into any building within said City for the purpose of making an examination of the water furnished the occupants thereof to ascertain the degree of purity thereof, and also to make an analysis, chemically or otherwise, of such water for the purpose mentioned, and to condemn and forbid the use of any such water after the same shall have been analyzed and found to be impure and detrimental to the public health; and said Department of Health and Charities shall adopt such means to prevent the further use of any such water so condemned, as shall best subserve the general public health, and as shall be most convenient and practicable, and shall immediately after condemning such water forbid all persons, as far as practicable, from using such water thereafter for any domestic use.

Section 2: Any person or persons who, by himself, clerk, servant, agent or employe shall draw or pump any such water to be used for any domestic purpose, after having been forbidden so to do by said Department of Health and Charities, or knowingly permits any other person to use any of such water so condemned, for any domestic purpose, after having been so forbidden to do, shall upon conviction thereof be fined in any sum not exceeding one hundred dollars.

Section 3: The Department of Health and Charities of the City of Fort Wayne, is hereby authorized and empowered to compel any person or persons or corporation, who maintain any receptacle into which is deposited from time to time manure, offal or garbage, not including kitchen garbage, or who deposit from day to day, manure offal or garbage upon any lot, within said city, to remove or cause to be removed and conveyed away, any and all such manure, offal or garbage so deposited in any such receptacle or upon any such lot as often as said department of Health and Charities shall, in its opinion consider necessary that the same be done in order to promote and secure the publick health of said city.

Section 4: Any person or persons or corporation who shall fail or refuse to remove and convey away or cause to be removed and conveyed away any such manure, offal or garbage not including kitchen garbage so deposited in any receptacle or upon any lot at such stated as they shall be notified by said Department of Health and Charities so to do, shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars.

Section 5: All ordinances in conflict herewith, are hereby repealed.

Section 6: This ordinance to be in full force on and after its passage, approval by Mayor and legal publication.

Published in the Ft. Wayne Journal April 24th and May 1st 1899

Done at the Council Chambers in the City of Fort Wayne Indiana, this the 11th day of April, 1899.

Approved April 20th 1899.
Henry D. Pettit
Mayor

Attest
Henry B. Morning
City Clerk

General Ordinance No 108

Introduced by J. F. Zurbuch

An Ordinance to restrain the use of Street Sprinklers and Public Fire Pluge, during times of Fire."

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, That it shall be unlawful for any person or persons to open any public hydrant, fire plug, street or yard sprinkler, or turn any public stop cock, or in any way or manner injure or interfere with the water source or other apparatus belonging to the Water Works, from the time an alarm of fire is first sounded by the fire-belle until the signal of "fire-out" is given by the Fire-Department, excepting under the directions of the Chief of Fire Department or by order from the officers of the Water Works Company.

Section 2: Any person violating the provisions of this Ordinance, upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars.

Section 3: This Ordinance to be in full force and effect on and after its passage, approval by Mayor and legal publication.

Published in the Ft. Wayne Journal May 1st & 8th

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 26th day of April, 1899.

Approved April 29th 1899.

Henry C. Zehrung
Mayor

Attest
Henry B. Morning
City Clerk

General Ordinance, No. 109.

Introduced by J. D. Ely

An Ordinance to amend Section (6) Six, of Chapter Thirty Four, (34) of the revised ordinances of 1887, to read as follows.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, that Section 6, chapter thirty four (34) of the revised Ordinances of 1887, be amended to read as follows. That it shall be lawful for any person or persons about to build any stone or brick house, of any kind, on any piece or parcel of ground, within the city of Fort Wayne, which is bounded on any side or end by the private property of any other person or persons, to build his, her or their wall or walls, on any line dividing his, her or their grounds from that which adjoins it as aforesaid, placing such wall lengthwise along said line, and one-half of such wall, on each side of said line, as the same may be fixed by the City Engineer; and when any such wall shall be built, of brick or stone, of the height, depth, breath and thickness, and in a manner and of the quality of materials prescribed by the ordinances of the city, it shall be a party wall, and the persons owning the ground on either side thereof shall have the right to use the same in a lawful manner, Provided, That no person, other than the person building such wall, shall be compelled to maintain and keep the same in repair, or to pay any part of the expence of building, repairing or maintaining the same, until such wall, or some part thereof, shall be used by such other person, by attaching another house to it, or making it constitute one side or wall, or a part of one side or wall of another house of some kind, erected on the ground adjoining that of the person who erected such wall. And when any person other than the person who may have erected any such party wall, may desire to use such wall by attaching another house of any kind to it, or by making such party wall part of such house, such person so desirous to use such wall shall first pay to the person or persons who built the same, or his or their heirs and assigns one-half of the full value of such wall, if the same be demanded by the person entitled thereto; and after such demand is made, no person shall attach any other house to such party wall or proceed any further in erecting or building the same, or commence or proceed any further in erecting or finishing any such other house, of which said party wall will in anywise form a part or

one wall, or a part of a wall thereof, without first paying to the person or persons, who built such party wall, or his other or their heirs and assigns, one-half of the full value of each party wall; and in case the parties interested cannot agree, then either party shall call upon the said viewers, to view and estimate the value of said party wall.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 25th day of April, 1899.

Approved April 29th 1899
Henry O. Scherer
Mayor

Attest
Henry B. Morning
City Clerk

General Ordinance No. 110.

Introduced by J. J. Bauer

An Ordinance regulating the use of the Fire-Alarm Telegraph and the boxes connected therewith; and prohibiting the giving of False Alarms of Fire."

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, That it shall be unlawful for any person, knowingly, to give, or cause to be given, any false alarm of fire, by means of any telegraph box connected to or with the fire-alarm telegraph.

Section 2: It shall be unlawful for any person to make, or cause or permit to be made, any key or keys of or for any fire-engine, hose (or) truck house or fire-alarm telegraph box, except upon the written order and consent of the Chief of Fire Department.

Section 3: It shall be unlawful for any person or persons, excepting such persons as may be granted written permission by the Chief of Fire Department, to have or keep in their possession, any key or keys of or to any fire-house, hose (or) truck houses, or fire-alarm telegraph box.

Section 4: It shall be unlawful for any person, to whom has been intrusted, or who shall be hereafter intrusted with, the care or keeping of any key to any fire-alarm telegraph box, to fail or refuse to surrender the possession of the same to the Chief of Fire Department, whenever such person shall remove or change his place of residence.

Section 5: It shall be unlawful for any person to fail or refuse to surrender possession of any key or keys to any fire-alarm telegraph box, upon the demand of the Chief of Fire Department or order of the Fire Board.

Section 6: It shall be unlawful for any person, excepting the members of the Fire Department or the Police Force, to cut, remove or in any manner interfere with or disturb, any fire-alarm or police telegraph wire or post belonging to the City of Fort Wayne.

Section 7: All ordinances or parts of ordinances in conflict with this ordinance is hereby repealed.

Section 8: Any person violating any of the provisions of this Ordinance, shall be fined in any sum not exceeding fifty dollars.

Section 9: This Ordinance to be in full force and effect on and after its passage, approval by Mayor and legal publication

Published in the Ft. Wayne Journal May 1st & 8th, 1899

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 25th day of April, 1899.

Approved April 29th 1899.
Henry P. Scherer
Mayor

Attest
Henry B. Monning
City Clerk

General Ordinance No 111.

Introduced by J. W. McMahon

An Ordinance Compelling inhabitants of the City of Fort Wayne to disenfect their premises, and to remove all Impure and Unwholesome Substances.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, that it shall be the duty of every owner or occupant of any dwelling-house, building or structure of any kind or description whatsoever, to cause or to be removed therefrom, and properly disposed of, all unwholesome or impure substances of every kind and description whatsoever. It shall be the duty of every owner or occupant to cause all cellars, privies, rooms, halls, and out-buildings to be kept and maintained, at all times, in such order and condition so that the same shall, in no wise, be foul, unhealthy or noisome. Any person who shall violate the provisions here of shall be fined in any sum not exceeding one hundred dollars ($100); and each and every day's continuance shall be deemed a distinct offence.

Section 2: It shall be the duty of every owner or occupant of any dwelling house, building, or structure of any description whatsoever, to disinfect the same, in such a manner as directed by the Department of Health and Charities, and all of said persons who shall fail or refuse so to disinfect such premises, for the space of 24 hours after notice, shall be fined, upon conviction, in any sum not exceeding one hundred dollars ($100.); and every 12 hours failure shall be deemed a separate and distinct offence, and, as such, prosecuted and punished.

Section 3: It shall be the duty of each and every physician called to attend a case of cholera, to cause all evacuations, or stools to be properly disinfected, and so disposed of as not to cause the spread of the desease.

Section 4: All members of the police force and the employes of the Department of Health and Charities, are charged with the exact and strict enforcement of this ordinance, and it is made their duty to properly inspect all premises within their beats or districts

and to cause prosecutions to be at once instituted. Any officer, or member of the Police Force, or employee of the Department of Health and Charities, failing or neglecting the performance of the duty herein enjoined shall at once be removed from office.

Section 5: The Department of Health and Charities or any member thereof, and any officer of the city clothed with police powers, shall have full and complete authority to enter any and all premises, houses or buildings, for the purpose of enforcing this ordinance, or for the purpose of inspecting and examining the same. Any person who shall prevent, or attempt to prevent, any such entrance, shall be fined upon conviction, in any sum not exceeding one hundred dollars. "Provided however that before making any such entrance due request for permission shall been made at proper and reasonable hours."

Section 6: All ordinances in conflict herewith are hereby repealed.

Section 8: This Ordinance to be in full force and effect on and after its passage, approval by Mayor and legal publication.

Published in the Ft Wayne Journal May 1st, 3d 1899

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 25th day of April, 1899.

Approved April 29th 1899.
Henry J. Scherer
Mayor

Attest
Henry B. Morning
City Clerk

General Ordinance No 112

Introduced by W. J. Lumark

An Ordinance authorizing the sale and alienation of Personal Property belonging to the City of Fort Wayne, and matters connected therewith, and fixing the time for the taking effect thereof."

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, That whenever any personal property belonging to said City of Fort Wayne, shall no longer be needed, or no longer fit for the purpose for which it was intended to be used, and it shall be deemed advisable by the head or heads of any department of said city having the care and custody of such property, to sell the same, such head or heads of any such department shall make or cause to be made an inventory of such property particularly describing it, and shall cause such property so inventoried to be appraised by three disinterested freeholders of such City of Fort Wayne, to be appointed for that purpose by the Judge of Circuit Court in and for the County of Allen and State of Indiana, neither of such appraisers to be officers or employees of said City, which appraisers so appointed shall make their appraisement and sworn valuation in writing, which appraisement and sworn valuation in writing, together with such inventory, shall be returned to the Mayor of said City, who shall, if he approves said proceedings and contemplated sale, endorse his approval of the same in writing on such appraisement and sworn valuation, and if such valuation shall amount in the aggregate to a sum less than two hundred ($200.) dollars, said Mayor shall return said inventory, appraisement and approval to the department from which it came; but if such valuation shall amount in the aggregate to two hundred dollars or more, said Mayor shall submit said inventory, appraisement and approval to the Common Council, which shall, if it approves such sale, authorize the same by ordinance. When such sale be approved by the Mayor if the aggregate appraisement is two hundred dollars, or if the aggregate appraisement is two hundred dollars or more, when approved by the Mayor and the Common Council, the head or heads of any such department shall thereupon offer said property for sale at public or private sale, upon such notice as shall seem advisable to such head or heads of department and shall sell the same or any part

thereof for the best price that can be obtained for such property. But no sale of any property shall be made except for cash. Whenever a purchaser for any such property is found such purchaser shall pay the purchase price to the head or heads of such department who shall thereupon deliver to such purchaser a bill of sale of such property, and such purchaser shall thereupon be entitled to the property so sold. Immediately after any such sale the head or heads of such department shall pay the purchase money into the City Treasury, and receive a voucher therefore, which voucher shall be deposited with the City Comptroller and a careful account of the transaction shall be kept by the department making the sale,

Section 2: Each of the three appraisers appointed for any such appraisement as provided for in the preceding section shall be entitled to receive for his services the sum of two dollars upon presentation to the City Comptroller of a certificate from the head or heads of such departments that such person has been appointed as such appraiser, and has made such appraisement, and payment thereof shall be from the fund appropriated to the Finance Department for incidental expenses of the City officers.

Section 3: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4: This ordinance to be in full force and effect on and after its passage, approval by Mayor and legal publication.

Published in the Ft Wayne Journal May 1st & 8th 1899

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 25th day of April. 1899.

Approved April 29th 1899.

Henry P. Scherer
Mayor

Attest
Henry B. Manning
City Clerk

General Ordinance. No. 113.

Introduced by J. McMahon

An Ordinance making Williams Woodland Park Addition a part of the Sixth Ward.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, Indiana, that the following described territory known as Williams Woodland Park addition, be annexed to and be made a part of the Sixth Ward of the City of Fort Wayne, Indiana, all that tract of land located in the southeast quarter of Section 11, Township 30, North Range 12 East lying west of Webster street, north of Woodland Avenue, east of Hoagland Avenue, and south of Creighton Avenue, all of said tract of land situate in Allen County, Indiana, and having been annexed to said City February 22, 1898.

Section 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 25th day of April, 1899.

Approved April 29th 1899.
Henry P. Scheen
Mayor

Attest
Henry B. Nimmon
City Clerk

General Ordinance No 114.

Introduced by S. McMahon

An Ordinance making the territory lying west of the City limits south of the P. Ft. W & C. Railroad and north of Guthrie street a part of the Sixth Ward.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, Indiana, that the following described territory be annexed to and be made a part of the Sixth Ward of the City of Fort Wayne, Indiana, said territory being more particularly described as follows:

Commencing at the intersection of the north line of the right of way of the Pittsburg Fort Wayne & Chicago Railroad with the center line of Lavina Avenue produced north to said Point, thence south following the center line of Lavinia Avenue to Guthrie street, thence east to the east line of out-lot No 14 of Ewings out-lots, thence east to the east line of Ewings out-lots Nos. 14 and 13 to Taylor street, thence north on Garden street to the north line of the right-of-way of the Pittsburg, Fort Wayne and Chicago Railroad, thence west to place of beginning.

All of said territory being situated in Allen County, Indiana, and having been annexed to said City, November 7th 1898.

Section 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 25th day of April, 1899.

Approved April 29th, 1899.
Henry P. Schreen
(illegible)

Attest
Henry B. Morning
City Clerk

General Ordinance No 115.

Introduced by C. W. Mahon

An Ordinance making the territory lying south of Killea street, east of Hoagland Avenue, west of Calhoun street and north of Richardville Avenue, a part of the Sixth Ward:

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, Indiana, that the following described territory be annexed to and be made a part of the Sixth Ward of the City of Fort Wayne, Indiana, said territory being more particularly described as follows:

Commencing at the intersection of Hoagland Avenue and Killea street, thence south on Hoagland Avenue produced south to its intersection with Richardville Avenue, thence east on the center line of Richardville Avenue to its intersection with Calhoun street, thence north on the center line of Calhoun street to its intersection with Killea street, thence west on Killea street to place of beginning: All of said territory being situated in Allen County, Indiana, and having been annexed to said City November 7th, 1898.

Section 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 25th day of April, 1899.

Approved April 29th, 1899.

Attest
Henry C. Manning
City Clerk

General Ordinance No 116.

Introduced by Wm. Lennart

An Ordinance making certain territory within the corporate limits of the City of Fort Wayne a part of the seventh Ward.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, that the following described territory be annexed to and be made a part of the 7th Ward of the City of Fort Wayne, Indiana, said territory being more particularly described as follows.

Commencing at the intersection of Calhoun street and Esmond street, thence south on Calhoun street to its intersection with Richardville Avenue, thence east on the center line of Richardville Avenue and the center line of Richardville Avenue extended east to the center line of Hanna street, thence north on the center line of Hanna street to the south line of Trentman & Monning's Addition thence west to the west line of Trentman & Monning's Addition, thence north to the center line of Pontiac street, thence west to the east line of Sanders & Metcalf's Sub-division, thence south on the east line of Sanders & Metcalf's Sub-division and Boltz's Sub-division to Boltz street, thence west on Boltz street to center line of Lafayette street thence south on center line of Lafayette street to Esmond street, thence west on center line of Esmond street to place of beginning.

All of said territory being situated in Allen County, Indiana, and having been annexed to said City November 7th, 1898.

Section 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 25th, day of April, 1899.

Approved April 29th, 1899.
Henry J. Scherer
Mayor

Attest
Henry B. Monning
City Clerk

General Ordinance No 119.

Introduced by
J. M. J. O'Ryan
Chas Haag
Pet. F. Poirot
F. X. Schuhler
J. N. Hench

An Ordinance requiring the Western Union Telegraph Company, the Jenney Electric Light & Power Company, the Central Union Telephone Company, and the Postal Telegraph Company to remove the poles owned or in use by said Companies or Corporations jointly or severally on Columbia street from Calhoun street to Barr street, on Main street from Maiden Lane to Clay street; on Clinton street from the New York Chicago and St Louis Railroad to Washington street and to place their respective wires in use thereon underground in said streets and fixing a time.

Preamble.

Whereas, the said City of Fort Wayne, Indiana, through its Board of Public Works has in view the paving of Columbia street from Calhoun street to Barr street also Main street from Maiden Lane to Clay street also Clinton street and Whereas, said streets as above mentioned are lined with telegraph poles, telephone poles and electric light poles and a net work of wires strung thereon, and

Whereas said wires and poles interfere with the public use of the streets and endanger the safety of life and property in case of fire or storm, and

Whereas, said dangers and difficulties can be obviated and removed by the removal of said poles from off said streets between the points above mentioned and the placing of said wires now strung upon said poles underground by said Companies or Corporations.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, Indiana, that the Western Union Telegraph Company, the Jenney Electric Light and Power Company, the Central Union Telephone Company, and the Postal Telegraph Company for reasons assigned and set out in Preamble are hereby instructed, ordered and required to remove the poles owned or in use by said Companies or Corporations on Columbia street from Calhoun street to Barr street also on Main street from Maiden Lane to Clay street; also on Clinton street from the New York, Chicago and St Louis Railroad to Washington street from off said streets and to place the wires used thereon underground on and along said streets by the 1st day of June, 1899.

It is not intended nor is this Ordinance to be construed or mean that any additional rights other than those acquired under the original franchise are herein granted.

Section 2: The Board of Public Works of the City of Fort Wayne, Indiana, is hereby authorized and empowered to remove regardless of the wires thereon said poles from off said streets at the expense of said Companies or Corporations, provided the same are not removed within the time fixed by Section 1. of this Ordinance.

Section 3: The City Clerk is hereby instructed to serve a copy of this Ordinance upon the proper officials of the respective Companies or Corporations herein set out upon the passage and approval of this Ordinance.

Section 4: All Ordinances in conflict herewith are hereby repealed.

Section 5: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 25th day of April, 1899.

Approved April 29th, 1899.

Henry C. Zollerer
Mayor

Attest
Henry B. Manning
City Clerk.

General Ordinance No 118.

Introduced by W. E. Harding

An Ordinance Relating to the Public Health of the City of Fort Wayne, and for the prevention and suppression of infectious and contagious deseases.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, that whereever small pox, scarlet fever, diptheria or any other infectious or contagious diseases shall exist within the City of Fort Wayne, the Department of Health and Charities of said City, may by order, establish and maintain all needful quarantine stations and limits, including public and private houses and places.

Section 2: During the existence of any small pox, or other infectious or contagious diseases, within said city, or whenever any epidemic of such diseases is, in the judgment of such Department of Health and Charities, threatened or there is impending danger thereof, such Department of Health and Charities may, at such place or places as may be provided therefor, detain or cause to be detained, any and all persons found within the City limits, and having no place of residence or abode therein, who may be suspected of being affected with such disease until such atime as it may be fully determined by said Department of Health and Charities, whether such persons are so effected, and if they are found to be so affected, said Department of Health and Charities may remove or cause to be removed, such persons as hereinbefore provided.

Section 3: Said Department of Health and Charities may also, during such period of the existance of such diseases within the limits stated in Section One, or during any periods of impending danger there of by order, discontinue the use of any building or station or room used, for the accomodation of tramps, vagrants or others at night or other times,. And upon the discontinuance of the use of any such building, station or room, upon such order, only such other building, station or room may be used in lieu there of, for such purposes as shall be provided by the Board of Public Works

with the approval of said Department of Health and Charities.

Section 4: The Department of Health and Charities is hereby authorized and directed to prohibit all sale or disposition of rags, clothing, bedding, carpets or furniture, to dealers or other parties, from dwellings in which patients afflicted with any contagious or infectious diseases, any small pox, scarlet fever, diptheria, may be or may have been, or the washing of clothing or other article of any kind, which may have been used, or exposed to infection in the apartments of such patients, elsewhere than in said dwelling, until the clothing shall have been disinfected in a manner satisfactory to said department, and said Department is further authorized and instructed to cause any room, house or part of a house, in which any patient has been confined by reason of the existence of contagious or infectious disease or diseases, to be immediately and thoroughly disinfected to the satisfaction of said Board, and to cause the burning of all clothing of such patients, or other articles which cannot be disinfected in a manner entirely satisfactory to said Department.

The Department is hereby authorized to place a card upon any public or private building containing any person that is afflicted with any contagious or infectious disease, and cause said card to so remain until said Department is satisfied that it can be safely removed. The making or washing of clothes for others than that of the family in any building in which there exists contagious or infectious disease, or the conveyance of any person who died of small pox, scarlet fever or diptheria, or other infectious or contagious diseases in any hack or conveyance, is strictly prohibited. Any person removing any flag, card or signal from any house or any other place, where small pox, scarlet fever or diptheria or other infectious or contagious diseases is existing without the consent of the said Board will be deemed guilty of violating this Ordinance.

Section 5: In case of small pox or other infectious, or contagious diseases, or of danger from anticipated or impending infectious or contagious diseases,

or in case the sanitary condition of the City should be of such character as to warrant it, it shall be the duty of said Department of Health and Charities, to take such measures and to do and order, and cause to be done, such acts for the preservation of the public health, though not herein or elsewhere, or otherwise authorized, as they may in good faith declare the public health and safety demand; and said Department in matters affecting the public health of said City, may co-operate with the State Board of Health whenever they deem it necessary or expedient so to do.

Section 6: It shall be the duty of all persons to observe and comply with all rules, regulations and orders of the Department of Health and Charities, which shall be made pursuant to this Ordinance. Any person knowingly and willingly violating such rules, regulations or order, shall be fined in any sum not exceeding Fifty dollars ($50.)

Section 7: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 8: Any person violating the provisions of this Ordinance shall forfeit and pay a fine of not more than fifty dollars, for each and every day of such violation.

Section 9: This Ordinance to be in full force and effect on and after its passage and approval by Mayor and legal publication.

Published in the Fort Wayne Journal May 8th 1899

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 25th day of April, 1899.

Approved April 29th, 1899.
Henry C. Scherer

Attest
Henry B. Memmy
Clerk

General Ordinance No 119

Introduced by Mr J. Hosey

An Ordinance to protect the Hose belonging to the Fire Department of the City of Fort Wayne."

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, that it shall be unlawful to drive any wagon, cart, street-railway car, or any locomotive or cars, or any other vehicle over hose belonging to the City of Fort Wayne, laid in the street or streets at the occurrence of any fire in said city, or at any alarm of fire therein. Any person or persons violating any provisions of this ordinance shall upon conviction be fined in any sum not exceeding fifty dollars.

Section 2: All ordinances in conflict with this ordinance are hereby repealed.

Section 3: This ordinance to be in full force and effect on and after its passage, approval by Mayor and legal publication.

Published in the Ft Wayne Journal May 30th and [illegible] 1899

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 23rd day of May, 1899,

Approved May 27th, 1899.

Henry [illegible]

Mayor

Attest

Henry W. Manning

City Clerk

General Ordinance No 120

Introduced by A. W. Clark.

An Ordinance to prohibit the injuring of any improved Sidewalks and matters connected therewith.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, That it shall be unlawful for any person to throw, hurl or cast any hitching weight or block, or any hard or heavy material, or object, on or upon the surface of any cement, brick or other smooth surface improved sidewalk, in any street or alley in said city in such manner as to injure the same.

Section 2: It shall be unlawful for any person to break, cut into or in any way injure the surface of any cement, brick or other smooth surface improved sidewalk in any street or alley in said city without first having obtained permission from the Board of Public Works.

Section 3: Any person violating the provisions of this Ordinance shall, on conviction, be fined in any sum not exceeding fifty dollars ($50.)

Section 4: This ordinance to be in full force and effect on and after its passage, approval by Mayor and legal publication.

Published in the Ft Wayne Journal May 30th and June 5th 1899

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 23rd day of May, 1899.

Approved May 29th 1899,
Henry F. Eckener
Mayor

Attest
Henry D. Manning
City Clerk

General Ordinance No 121

Introduced by Wm. F. Poirson

An Ordinance for the Government of the Fire Department of the City of Fort Wayne.

Section 1: Be it enacted and ordained by the Common Council of the City of Fort Wayne, that should any person or persons injure, deface, or in any manner destroy any city fire apparatus, or should any person or persons hinder or obstruct any city fire company or hook and ladder company, or any member thereof, from freely passing along the streets of the city, to or from a fire, or in any manner hinder or prevent any of said companies, or any member of the same, from operating at any fire, each and every person or persons so hindering, preventing or obstructing shall be fined not less than five dollars, or more than twenty dollars, to be recovered as other city fines are recovered.

Section 2: This ordinance to be in full force and effect on and after its passage, approval by Mayor, and legal publication.

Published in the Ft. Wayne Journal May 30th and June 5th 1899

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 23rd day of May, 1899.

Approved May 27th, 1899.

Henry F. Scherer
Mayor

Attest
Henry C. Morning
City Clerk

General Ordinance No 122.

Introduced by J. McMahon

An Ordinance authorizing the employment of certain officers, clerks, assistants and employees, fixing the compensation, salaries and wages of certain officers, clerks and employees in the city of Fort Wayne, Indiana, repealing conflicting Ordinances and fixing the time when this Ordinance shall take effect:

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that the officers, clerks, assistants and employees of the city of Fort Wayne, Indiana, shall respectively receive the compensation, salaries and wages as hereinafter in this Ordinance provided. The employment of such clerks and assistants as are hereinafter named is hereby authorized and the compensation and salaries of such clerks and assistants are hereby fixed at the sums and amounts respectively named for said clerks and assistants.

Section 2: The Mayor of the City of Fort Wayne, Indiana, shall receive a salary at the rate of $2500. per annum.

The Comptroller of the City of Fort Wayne, Indiana, shall receive a salary at the rate of $2000. per annum.

The City Clerk of the City of Fort Wayne, Indiana, shall receive a salary at the rate of $1500. per annum.

The City Attorney of the City of Fort Wayne, Indiana, shall receive a salary at the rate of $2000. per annum.

For the Department of Public Works:

The City Civil Engineer of the city of Fort Wayne, Indiana, shall receive a salary at the rate of $2000. per annum.

The assistant City Civil Engineer shall receive a salary at the rate of $85.00 per month.

The Stenographer shall receive a salary at the rate of $40.00 per month.

The Superintendent of Streets shall receive a salary at the rate of $75.00 per month.

The foreman of street repairs shall receive a salary at the rate of $60.00 per month.

The Janitor of the City Hall shall receive a salary at the rate of $50.00 per month.

The assistant Janitor of the City Hall shall receive a salary at the rate of $35.00 per month.

The custodian of Parks shall receive a salary at the rate of $70.00 per month.

Section 3: For the Department of Public Safety.

First: For the markets.

The Marketmaster shall receive a salary at the rate of $25.00 per month.

The City Pondmaster shall receive a salary at the rate of $45.00 per month, and also perform duties as Special License officer.

The City Weighmaster shall receive a salary at the rate of $60.00 per month.

Second: For the Department of Police.

The Superintendent of Police shall receive a salary at the rate of $1200. per annum.

The Captain of Police shall receive a salary at the rate of $900. per annum.

The Lieutenants of Police shall receive a salary at the rate of $840.00 per annum.

The Sergeants of Police shall receive a salary at the rate of. $800.00 per annum.

The Detective shall receive a salary of $840.00 per year and no extras.

The Patrolmen shall receive a salary at the rate of $60.00 per month.

The patrol Drivers shall receive a salary at the rate of $55.00 per month.

The Station Clerks shall receive a salary at the rate of $40.00 per month.

The Electrician shall receive a salary at the rate of $35.00 per month.

The Humane Officer shall receive a salary at the rate of $35.00 per month.

Third: For the Fire Department.

The Chief of Fire Force shall receive a salary at the rate of $1200. per annum.

The Engineers shall receive a salary at the rate of $75.00 per month.

The Captains shall receive a salary at the rate of $65.00 per month.

The Electrician shall receive a salary at the rate of $50.00 per month.

The Firemen of "Class A" shall receive a salary at the rate of $60.00 per month.

The Firemen of "Class B" shall receive a salary at the rate of $55.00 per month.

The Firemen of "Class C" shall receive a salary at the rate of $50.00 per month.

The Telephone attendant of Engine House No. 1. shall receive a salary at the rate of $40.00 per month.

Fourth: For the Department of Public Health & Charities.

The City Bacteriologist shall receive a salary at the rate of $1200. per annum.

One Special Sanitary Policeman shall receive a salary at the rate of $45.00 per month.

One Special Sanitary Policeman shall receive a salary at the rate of $45.00 per month.

One Special Sanitary Policeman shall receive a salary at the rate of $45.00 per month.

Fifth: Councilmen, $150.00 per annum.

Section 4: The compensations, salaries and wages enumerated in and provided for in the foregoing sections of this Ordinance also, that of the Mayor and City Clerk, shall be paid out of the funds of the City Treasury appropriated and to be appropriated for such purposes. Said salaries to be paid at the expiration of each month during the time of service.

Section 5: All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 6: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana this the 13th day of June, 1899.

Approved June 13th 1899.
Henry P. Scherer
Mayor

Attest.
Henry C. Mommy
City Clerk

General Ordinance No 123.

Introduced by Coff. Ehrman

An Ordinance in relation to the payment of damages by the City Treasurer for the Condemnation of Real Estate.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, That whenever any damages have been awarded by the Board of Public Works, for or on account of the condemnation of real estate for the use of the public in opening, widening, altering, or straightening of streets or alleys, it shall be the duty of the City Treasurer, before paying such damages, to require the party to whom such damages are awarded to furnish him an abstract of the title to the said property so condemned; and if such abstract shall show any mortgages, judgments, or other liens upon the same, the said Treasurer shall require the party awarded such damages to procure a release of the property from such liens before he shall be entitled to collect such damages. In case the said party shall not obtain such release, then it shall be the duty of the Treasurer to notify the holders of such liens of such condemnation and of the awarding of such damages, and require them to at once make any claims that they desire to hold against such damages; and in the event the parties cannot agree as to whom the said damage shall be paid, then the Treasurer shall report all of the facts to the City Attorney, whose duty it shall be to institute proceedings, as required by section sixteen (16) of the Act of the Legislature in relation to the laying out - opening, widening, altering, and vacating of streets, alleys, highways, etc, approved March, 17, 1875.

Published in the Ft. Wayne Journal Gazette June 20 & 21st 1899

Section 2: This Ordinance shall be in full force and effect on and after its passage, approval by Mayor and legal publication.

Done at the Council Chamber in the City of Fort Wayne, Indiana this the 13th day of June, 1899.

Approved June 17th 1899
Henry P. Scherer
Mayor

Attest
Henry B. Manning
City Clerk

General Ordinance No. 124.

Introduced by John J. O'Ryan

An Ordinance regulating the gathering and cremation of kitchen Garbage, and the carrying away of tin cans and broken dishes, etc.

Section 1: It shall be the duty of the Board of Public Works of the City of Fort Wayne, to provide for the collection and cremation of all kitchen garbage that may be furnished by residents of the City of Fort Wayne, except that of Hotels, Saloons and Boarding Houses, and to haul away all tin cans and broken dishes, provided that the same is placed within reach of garbage collectors, and to that end, said Board of Works, is authorized and directed to secure competent and efficient men to collect and convey to the City Crematory, all such garbage at least twice each week, from the first day of May to first day of October of each year, and at least once a week for the balance of the year, and to likewise carry away tin cans and broken dishes, if collected in the manner herein provided.

Section 2: That for the purpose of promoting the health and comfort of the citizens and cleanliness of the City, and preventing noxious and offensive odors therein, and for the purpose of facilitating and assisting the Board of Public Works of said City in collecting conveying and disposing of kitchen garbage, provided for in section one (1) and for the carrying away of tin cans and broken dishes, it shall be unlawful for any person to throw out, empty, or place on any lot, ground, street, or alley in this City, any kitchen garbage slops, vegetable or animal ~~waste~~, paring, refuse or offal, commonly called garbage at any time; but each and every person making, having or necessitating any such garbage herein designated, shall put the same and every part thereof, except the drainage in a wooden box with tin, iron or metal lining and provided with a covering to keep out rain and snow; each box to be placed at a convenient place for City Garbage Collectors, either in alley or just inside fence or barn, out of reach of or disturbance of animals and vehicles; and every head of a family or other person occupying or having control or authority

Published in the Fort Wayne Journal Gazette July 4th & 11th

over, in or upon any place or premises where such garbage is made, except saloons, hotels, restaurants and boarding houses shall be required to see to the collecting, securing and depositing of all said garbage in the manner as in this Ordinance provided.

It shall be unlawful to mix tin cans, broken dishes, yard or house sweepings with kitchen garbage, but when tin cans and broken dishes are collected and placed in a box in a convenient place for garbage gatherers, the same will be removed, without expense to property owners.

Section 3: Any person violating any provision of this section or failing or neglecting to perform either one or more of the duties herein imposed, shall upon conviction, be fined for any violation on any day or for each day of any such failure or neglect of duty, in any sum not exceeding fifty dollars ($50.)

Section 4: All Ordinances and parts of ordinances in conflict herewith, are hereby repealed.

Section 5: This Ordinance shall be in force from and after its passage, approval by Mayor and legal publication.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 27th day of June, 1899.

Approved July 1st 1899.
Henry P. Schmitz
Mayor

Attest
Henry B. Manning
City Clerk

General Ordinance No 125

Introduced by
S. McMahon

An Ordinance to repeal General Ordinance Nos 102 and 103, passed April 11th 1899.

Whereas, The city comptroller has reported to this Council the fact that he has rejected all bids made for sale of $320.000. refunding bonds offered for sale under the above ordinances, and

Whereas, The Council has decided to readvertise for bids, therefore be it ordained:

Section 1: That General Ordinance Nos 102 and 103, passed April 11th, 1899, are hereby repealed.

Section 2: This ordinance shall be in full force and effect from and after its passage and approval by Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 11th day of July, 1899.

Approved July 13th 1899.
Henry F. Scherer
Mayor

Attest
Henry B. Morning
City Clerk

General Ordinance No 126.

Introduced by J. McMahon

An Ordinance authorizing the issue and sale of two hundred and seventy thousand ($270,000) dollars of Water Works Refunding bonds of One thousand ($1000) dollars each of the City of Fort Wayne in order to raise money to take up and refund bonds bearing dates November 15th, 1879, December 31st, 1879, and January 15th 1880, prescribing the time and manner of advertising or sale of said water works refunding bonds and of the receipt of the bids for the same together with the mode and terms of sale; appropriating the proceeds of the sale of said refunding bonds for the payment of said outstanding bonds, and providing for the refunding of the indebtedness of said City of Fort Wayne represented by said bonds and matters connected therewith and fixing a time when the same shall take effect.

Whereas, The City of Fort Wayne, Indiana, duly authorized by the Common Council of said city, issued the following bonds for the purpose of erecting Water Works for said city, on the dates stated and for the amounts as follows:

November 15th, 1879: $100.000 payable November 15th, 1899 with 6 per cent Interest from date of issue payable semi-annually: on the 31st day of December, 1879: $ 24,000. payable on December 31st 1899, with Interest at 5 per cent payable semi annually: On January 15th, 1880, $ 146,000. payable January 15th, 1900, with 6 per cent Interest from date payable semi-annually, and

Published in the Fort Wayne Journal Gazette [illegible]

Whereas, Said bonds were duly issued and sold by said city and the proceeds thereof used for the construction of Water Works for said City, and

Whereas, Said bonds will mature as above stated:

$ 100,000 on November 15th, 1899:
$ 24,000 on December 31st, 1899:
$ 146,000 on January 15th, 1900: and

Whereas, There is not now and will not be sufficient funds in the hands of the Treasurer of said City not otherwise appropriated to pay said bonds when they become due:

Section 1: Therefore, Be it ordained by the Common Council of the City of Fort Wayne, that the City Comptroller of said city be and the same is hereby authorized and directed to refund two hundred and seventy thousand ($270.000) dollars of the indebtedness of said city at maturity which said indebtedness is represented by the following bonds:
One hundred bonds (100) numbered from one to one hundred inclusive of $1.000 each dated November 15th, 1879 and maturing November 15th, 1899:

Twenty four (24) bonds of $1.000 each numbering from one to twenty-four inclusive dated December 31st, 1879 and maturing December 31st 1899:

One hundred and forty six (146) bonds of $1.000 each, numbering from one to one hundred and forty six inclusive dated January 15th 1880 and maturing January 15th 1900 issued under and by authority of General Ordinances approved as follows.

An Ordinance for the issue of $100.000 approved October 28, 1879:
An Ordinance for the issue of $ 24.000 approved December 9, 1879:
An Ordinance for the issue of $146.000 approved December 23, 1879:

Section 2: That the City Comptroller is hereby directed and authorized for the purpose of refunding said indebtedness of two hundred and seventy thousand ($ 270.000) dollars to prepare and sell two hundred and seventy (270) new bonds of the City of Fort Wayne, Allen County, Indiana, of the sum of $1.000 each, which bonds shall bear date of November 15th, 1899, shall be designated,
"Fort Wayne, Indiana, Water Works Refunding Bonds, 1899"
shall bear interest at the rate of 3½ per cent per annum, which interest shall be payable semi-annually on the 15th day of May and the 15th day of November, each year, and said installments of interest shall be evidenced by interest coupons attached to said bonds. Said bonds and interest coupons shall be made payable at the Office of the United States Mortgage and Trust Company of the City, County and State of New York, and said bonds shall be issued as follows.

270 bonds shall run for twenty (20) years from date of the issue, each bond for the sum of $1.000, and shall be

designated as "Series A" and numbered from one to 240 inclusive.

30 bonds shall run for ten (10) years from date of issue, each bond to be for the sum of $1,000 and designated as "Series B" numbering from 1 to 30 inclusive:

All of the above bonds, "Series A and B" shall be signed by the Mayor and City Comptroller, who shall affix the seal of said city to each of said bonds. All the interest coupons shall bear the lithograph fac-simile signatures of the Mayor and City Comptroller.

Said bonds shall be prepared by the City Comptroller in due form, irrevocably pledging the faith and credit of the City of Fort Wayne, Indiana, to the payment of the principal and interest stipulated therein respectively.

It shall be the duty of the City Comptroller at the time of the issuance and negotiation of said bonds to register in a book kept for that purpose all of said bonds so issued and negotiated. In said register shall be entered in serial number all bonds issued and negotiated beginning with No. 1 and there shall also be given the date of their issuance, their amount, date of maturity, rate of interest, the amount due semi-annually, the time and place where said interest shall be made payable. Said bonds shall be substantially in the following forms, all blanks for numbers, dates, amounts etc., to be properly filled by the Comptroller before the issuance of the bonds:

No. ____ $1,000
"Series A" Due 1919.

City of Fort Wayne,
State of Indiana, Allen County.
"Fort Wayne Water Works Refunding Bonds of 1899"

For value received, the City of Fort Wayne, Indiana, promises to pay to the bearer one thousand ($1000) dollars in lawful money of the United States of America, on the 15th day of November, 1919, with interest thereon at the rate of 3½ per cent per annum, payable semi-annually on the 15th day of May and the 15th day of November, of each year upon the surrender and cancellation of the proper coupons hereto attached, both principal and

Interest being payable at the office of the United States Mortgage and Trust Company in the City, County and State of New York;

This bond is one of a series of two hundred and forty (240) bonds designated as "Series A" and numbered from one to two hundred and forty (1 to 240) inclusive, each of the same date, amount, maturity, tenor and effect, which bonds have been issued in order to raise money to take up valid outstanding bonds of the city under and pursuant to the Ordinance fully and legally passed by the Common Council of said City, in strict conformity with, and as authorized by an act of the general assembly of the State of Indiana, entitled, "An act concerning the incorporation and government of cities having more than 35,000 and less than 49,000 population according to the last preceding United States census and matters connected therewith and declaring an emergency, approved March 3, 1893," and all acts supplementary thereto and amendatory thereof, and all things and acts required by the law of the State of Indiana, and by said Ordinance have happened and have been done and performed in and about the authorization, preparation, issue and complete execution of this bond, and this bond and the bonds refunded hereby are certified to be within every limit of indebtedness prescribed by the constitution and laws of the State of Indiana; The faith and credit of the said city of Fort Wayne, Indiana, is irrevocably pledged to the payment of principal and interest of this bond as herein stipulated:

In Witness Whereof the Common Council of the City of Fort Wayne, Indiana, has caused this bond to be signed by the Mayor and City Comptroller on the 15th day of November, 1899.

H. P. Scherer.
Mayor

Henry C. Berghoff.
Comptroller

(Seal)

"Series A" (Coupon)

No.____ $17.50

City of Fort Wayne, Indiana, promises to pay to bearer at the office of the United States Mortgage and Trust Company, in the city of New York borough of Manhatan, on the 15th day of 'the sum' of seventeen and 50/100 dollars, being six months interest then due on its water works refunding bond No dated November 15th, 1899:

H. P. Scherer
Mayor.

Henry C. Berghoff
Comptroller.

No $1000.

"Series B" Due 1909:

City of Fort Wayne:
State of Indiana, Allen County.
"Fort Wayne Water Works Refunding Bonds of 1899"

For value received, the city of Fort Wayne, Indiana, promises to pay to the bearer one thousand ($1000) dollars in lawful money of the United States of America on the 15th, day of November, 1909, with interest thereon at the rate of 3½ per cent per annum payable semi-annually on the 15th day of May and the 15th day of November of each year upon the surrender and cancellation of the proper coupons hereto attached, both principal and interest being payable at the office of the United States Mortgage and Trust Company in the city, county and state of New York:

This bond is one of a series of thirty (30) bonds designated as "Series B" and numbered from one to thirty (1 to 30) inclusive, each of the same date, amount, maturity, tenor and effect, which bonds have been issued in order to raise money to take up valid outstanding bonds of the city under and pursuant to the ordinance fully and legally passed by the Common Council of said city, in strict conformity with and as authorized by an act of the general assembly of the state of Indiana, entitled. "An act concerning the incorporation and government of cities having more than 35000 and less than 49000 population according to the last preceding United States census and matters connected therewith and declaring an emergency, approved March 3, 1893." and all acts supplementary thereto and amendatory thereof, and all things and acts required by the law of the state of Indiana, and by said ordinance have happened and have been done and performed in and about the authorization, preparation, issue and complete execution of this bond, and this bond and the bonds refunded hereby are

certified to be within every limit of indebtedness prescribed by the constitution and laws of the state of Indiana. The faith and credit of the said city of Fort Wayne, Indiana, is irrevocably pledged to the payment of principal and interest of this bond as herein stipulated.

In witness whereof the Common Council of the City of Fort Wayne, Indiana, has caused this bond to be signed by the Mayor and City Comptroller on the 15th, day of November, 1899.

H P. Scherer
Mayor.

Henry C. Berghoff
Comptroller.

"Series B" Coupon

No $17.50

City of Fort Wayne, Indiana, promises to pay to bearer at the office of the United States Mortgage and Trust Company, in the City of New York Borough of Manhattan, on the 15th day of the sum of seventeen and 50/100 dollars being six months interest then due on its Water Works refunding bond No dated November 15th, 1899:

H P. Scherer
Mayor.

Henry C. Berghoff
Comptroller.

The interest warrants or coupons attached to said bonds series A. and B. shall be authenticated by the signature of the Mayor and City Comptroller engraven thereon, which shall for all purposes be taken and deemed to be equivalent to a manual signing thereof.

Section 3. For the purpose of providing for the payment of the principal and interest of the indebtedness of said City, the city Council shall annually levy a tax not to exceed five (5) cents on the dollar on all the property now subject to taxation for state and county purposes or which may hereafter become subject to such taxation in said city of Fort Wayne, Indiana, and the money so collected shall constitute a sinking fund for the purpose of securing the payment of the principal and interest of such bonds as may from time to time mature. The city of Fort Wayne, hereby pledges its faith

and credit for the payment of all bonds issued.

Section 4: That the city comptroller shall as soon as practicable after the passage of this ordinance, sell such bonds in such manner as demanded by law and upon such terms as may seem to him most advantagious to said city, but no sale shall be made at less than the par value of said bonds, with the accrued interest, if any, and a premium sufficient to cover all expenses incident to the preparation and negotiation of said bonds.

Section 5: The Mayor and the city comptroller are hereby authorized to sign a contract upon behalf of the city for the sale and delivery of said bonds and to require from the purchasers such guarantees or security as they may deem necessary for the protection of the city's interests.

Section 6: The delivery of any bonds sold may be made at the option of the purchaser at any bank or trust company in the city of New York at such time as may be specified in said contract.

Section 7: Every bid or proposal which may be presented to the said City Comptroller shall be accompanied by a certified check upon some responsible bank, payable to the order of L. C. Hunter Treasurer, or his successor, for a sum of money which shall equal One per cent of the face and par value of the bonds bid for and proposed to purchase: and upon entering of contract a certified check of 2 per cent of the face value of said bonds shall be deposited by the purchaser of said bonds with said Comptroller as a guarantee of the payment of such bonds on the specified day of delivery.

Section 8: The said city comptroller shall have the right to reject any and all bids.

Section 9: The bonds when taken up and paid for to the satisfaction of the city comptroller shall be binding obligations upon the City of Fort Wayne, according to their tenor and effect. The proceeds derived from any sale or sales of any bonds as herein authorized shall be and are hereby appropriated to the use of the Department of Finance to be applied as follows:

That is to say to the payment of the principal of said $270.000 of bonds hereinbefore described and maturing and to the expense of issuance, sale and delivery of the bonds herein provided for, and the City comptroller is hereby authorized to draw all proper and necessary warants, and to do whatever act may be necessary to carry out the provisions of this ordinance.

Section 10: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 11th day of July, 1899.

Approved July 15th 1899.
Henry P. Scherer
Mayor

Attest
Henry B. Monning
City Clerk

General Ordinance No 127

An Ordinance authorizing the issue and sale of fifty thousand ($50,000) dollars refunding bonds of one thousand ($1,000.) dollars each of the city of Fort Wayne, in order to raise money to take up and refund certain bonds bearing date of October 15th, 1879, which will become due October 15th, 1899, prescribing the time and manner of advertising the sale of said refunding bonds and of the receipt of the bids for the same together with the mode and terms of sale; appropriating the proceeds of the sale of said refunding bonds for the payment of the said outstanding bonds, providing the time and manner of the payment of said outstanding bonds, and providing for the refunding of the indebtedness of said city of Fort Wayne, represented by said bonds and matters connected therewith, and fixing a time when the same shall take effect.

Whereas, On the 15th day of October, 1879, the city of Fort Wayne issued her bonds bearing interest at the rate of 6 percent payable semiannually to the amount of eighty five thousand dollars ($85,000) payable at twenty (20) years from their date, which bonds will become due on the 15th day of October, 1899, and

Whereas, There is not now and will not be sufficient funds in the hands of the treasurer of said city not otherwise appropriated to pay all of said bonds when they become due, and

Whereas, The annual report of the comptroller of said city for the year ending December 31st 1898, recites and shows the date of the issuing of said bonds, the rate of interest thereon, and when the principal and interest of the same becomes due and payable, and

Whereas, Said city is able and ready to pay off at maturity thirty five thousand ($35,000) Dollars of said bonds.

Section 1: Therefore. Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that the city comptroller of said city be and the same is hereby authorized and directed to refund fifty thousand ($50,000) dollars of the indebtedness of said city at maturity which said indebtedness is represented by fifty (50) bonds of said city numbering from 36 to 85 inclusive, bearing date of October 15th 1879, issued under and

by authority of general ordinance, approved on the 14th day of October, 1879.

Section 2: That the City Comptroller is hereby directed and authorized for the purpose of refunding said indebtedness of fifty thousand ($50.000) dollars to prepare and sell fifty (50) new bonds of the City of Fort Wayne, Allen County, Indiana, of the sum of $1000 each which bonds shall bear the date of October 15th, 1899, shall be designated as "Fort Wayne Refunding Bonds of 1899" shall bear interest at the rate of 3½ per cent per annum, which interest shall be payable semi annually on the 15th day of April and the 15th day of October of each year, and said installments of interest shall be evidenced by interest coupons attached to said bonds. Said bonds and interest coupons shall be made payable at the office of the United States Mortgage and Trust Company of the city, County and State of New York, and said bonds shall run from one to ten years from the 15th day of October, 1899, as follows:

$ 3000. to be payable after the first year,
$ 5000. payable after the second year and
$ 5000. each year thereafter for eight years (8) and shall be signed by the Mayor and city comptroller and shall have affixed the seal of said city to each of said bonds, and said interest coupons shall bear the lithograph facsimile of the signatures of the Mayor and City comptroller. Such bonds shall be prepared by the city comptroller in due form, irrevocably pledging the faith and credit of the city of Fort Wayne, Indiana, to the payment of the principal and interest stipulated therein respectively.

It shall be the duty of the city comptroller at the time of the issuance and negotiation of said bonds to register in a book kept for that purpose all of said bonds so issued and negotiated.

In said register shall be entered in serial number all bonds issued and negotiated beginning with No 1 and there shall also be given the date of their issuance, their amount, date of maturity, rate of interest, and the time and place where said interest shall be payable.

Said bonds shall be substantially in the following form, all blanks for numbers and dates to be properly filled before issuance thereof.

No $1000.

City of Fort Wayne
State of Indiana Allen County,
"Fort Wayne Refunding Bonds of 1899"
Due in installments 1-10 years.

For value received, the city of Fort Wayne, Indiana, promises to pay to the bearer one thousand ($1000.) dollars in lawful money of the United States of America, on the 15th day of October, 19— with interest thereon at the rate of 3½ per cent payable semi-annually on the 15th day of April and the 15th day of October of each year upon the surrender and cancellation of the proper coupons hereto attached, both principal and interest being payable at the office of the United States Mortgage and Trust Company in the city, county and state of New York:

This bond is a series of fifty (50) bonds numbering from one to 50 bonds each inclusive, each of the same date, amount, tenor and effect, and maturing as follows.

No. 1 to 5 inclusive payable on the 15th day of October, 1900:
No 6 to 10 inclusive payable on the 15th day of October, 1901:
No 11 to 15 inclusive payable on the 15th day of October, 1902:
No 16 to 20 inclusive payable on the 15th day of October, 1903:
No 21 to 25 inclusive payable on the 15th day of October, 1904:
No 26 to 30 inclusive payable on the 15th day of October, 1905:
No 31 to 35 inclusive payable on the 15th day of October, 1906:
No 36 to 40 inclusive payable on the 15th day of October, 1907:
No 41 to 45 inclusive payable on the 15th day of October, 1908:
No 46 to 50 inclusive payable on the 15th day of October, 1909:

Which bonds have been issued by the city of Fort Wayne, in order to raise money to pay valid outstanding bonds of the city under and pursuant to an ordinance duly and legally passed by the common council of said city in strict conformity with and as authorized by an act of the general assembly of the state of Indiana, entitled "An act concerning the incorporation and government of cities having more than thirty five thousand (35000) and less than forty nine thousand (49000) population according to the last preceding United States census and matters connected therewith, and declaring an emergency, approved March 3, 1893, and all acts supplementary thereto and amendatory thereof and all things and acts required by the laws of the state of Indiana, and by said ordinance have happened

and have been done and performed in and about the authorization preparation, issue and complete execution of this bond, and this bond and the bonds refunded hereby are certified to be within every limit of indebtedness prescribed by the constitution and laws of the state of Indiana. The faith and credit of the said city of Fort Wayne, Indiana, is irrevocably pledged to the payment of the principal and interest of this bond as herein stipulated.

In witness whereof the Common Council of the city of Fort Wayne Indiana, has caused this bond to be signed by the mayor and city comptroller on the 15th day of October 1899.

H. P. Scherer
Mayor

Henry C. Berghoff.
Comptroller.

(Seal)

Coupon

No $17.50

City of Fort Wayne, Indiana, promises to pay to bearer at the office of the United States Mortgage and Trust Company in the city of New York, borough of Manhattan, on the 15th day of the sum of seventeen and 50/100 dollars being six months interest due at that date on its refunding bond No. dated October 15th 1899.

H. P. Scherer
Mayor.

Henry C. Berghoff
Comptroller.

The interest warrants and coupons attached to said bonds shall be authenticated by the signature of the mayor and city comptroller engraven thereon, which shall for all purposes be taken and deemed to be equivalent to a manual signing thereof.

Section 3: For the purpose of providing for the payment of the principal and interest of the indebtedness of said city, the city council shall annually levy a tax not to exceed five (5) cents on the dollar on all the property now subject to taxation for state and county purposes or which hereafter become subject to such taxation in said city of Fort Wayne, Indiana, and the money so collected shall constitute a sinking fund for the purpose of securing the

payment of the principal and interest of such bonds as may from time to time mature. The city of Fort Wayne hereby pledges its faith and credit for the payment of all bonds issued.

Section 4: That the city comptroller shall as soon as practicable after the passage of this ordinance, sell such bonds in such manner as demanded by law and upon such terms as may seem to him most advantageous to said city, but no sale shall be made at less than the par value of said bonds, with the accrued interest, if any, and a premium sufficient to cover all expenses incident to the preparation and negotiation of said bonds.

Section 5: The mayor and city comptroller are hereby authorized to sign a contract upon behalf of the city for the sale and delivery of said bonds and to require from the purchasers such guarantees or security as they may deem necessary for the protection of the city's interest.

Section 6: The delivery of any bonds sold may be made at the option of the purchaser at any bank or trust company in the city of New York at such time as may be specified in said contract.

Section 7: Every bid or proposal which may be presented to the said City Comptroller shall be accompanied by a certified check upon some responsible bank, payable to the order of L. C. Hunter treasurer, or his successor, for a sum of money which shall equal 1 per cent of the face value and par value of the bonds bid for and proposed to purchase and upon entering of contract a certified check of 2 per cent of the face value of said bonds shall be deposited by the purchasers of said bonds with said Comptroller as a guarantee of the payment of such bonds on the specified day of delivery.

Section 8: The said City Comptroller shall have the right to reject any and all bids.

Section 9: The bonds when taken up and paid for to the satisfaction of the City Comptroller shall be binding obligations upon the city of Fort Wayne, according to their tenor and effect. The proceeds derived from any sale or sales of any bonds as

herein authorized shall be and are hereby appropriated to the use of the Department of Finance to be applied as follows: That is to say to the payment of the principal of said $50.00 of bonds hereinbefore described and maturing and to the expence of issuance, sale and delivery of the bonds herein provided for, and the City Comptroller is hereby authorized to draw all proper and necessary warrants, and to do whatever act may be necessary to carry out the provisions of this Ordinance.

Section 10: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 11th day of July. 1899.

Approved July 15th, 1899.
Henry S. Severet
Mayor

Attest
Henry. B. Morning
City Clerk

Published

General Ordinance No 128.

Introduced by W. E. Harding

An Ordinance establishing a division of a department of health to be known as the "Milk Division"

Section 1: There is hereby established a division of the department of health and charities of the city of Fort Wayne, to be known and designated as a Milk division, which shall embrace the city bacteriologist and such other inspectors and employes as the department of health and charities may find necessary.

Section 2: The said City Bacteriologist under the supervision of the Department of Health and Charities, shall have charge of the milk division of the department of health and charities and control, direct, regulate, supervise and manage its operations. Said City bacteriologist shall keep a record of every analysis or test of milk or cream that may be made, and all reports that are made to him under the provisions of this Ordinance by any and all his assistants, all of which shall be open to the inspection of the public. He shall make an annual report of the transactions, receipts and disbursements which have occured in his department, to the department of Health and Charities, and such other data as may be of public interest. Said City Bacteriologist shall have the power to give such instructions to the assistants appointed by the department of health and charities, as to carry out the provisions of this ordinance, subject to the restrictions herein contained, and the rules and regulations adopted by said Board as may be necessary to secure the proper observeance thereof.

Published in the Ft Wayne Journal-Gazette July 18th '12

Section 3: The department of health and charities shall appoint such assistants as may be necessary to efficiently carry out the provisions of this ordinance, and such assistants shall, when on duty, wear a metal star, designed by said city bacteriologist, which shall be supplied and be the property of the city. Such assistants shall have the power on demand made therefor, to require the aid, assistance or protection of any police officer in the performance of any duty enjoined herein. To arrest all persons found violating any of the terms

or provisions of this ordinance, and shall have full power to perform all duties of a policeman as are now provided by the laws and ordinances of the city.

Section 4. No person or persons, firm or corporation shall sell or offer for sale, expose for sale, dispose of, exchange or deliver, or with the intent so to do, as aforesaid, have in his or their possession, care, custody or control, milk or cream for human food, without his being licensed so to do. To obtain such license, he she or it shall file an application with the department of health and charities of said city in the form required by the department of health and charities, which form shall require such applicant to state where the dairy house of such person is situated; where his depot, if any, is situated; how many cows he keeps or intends to keep under such licence; where such cows are kept; whether all the milk he will sell will be produced by cows at such place, or whether he intends to purchase milk; how many wagons, if any, that such applicant desires to use under such license. If the department of health grants such application, it shall be the duty of the City Comptroller to issue licenses upon receipt of said application, properly signed and approved by the said department of health and charities, and upon the payment of the One dollar to the Comptroller said Comptroller shall issue a license to the applicant. If said licensee desires to change the same in any particular, he shall file an application with the department of health and charities and be allowed so to do, and be given credit as to any sum he has paid on the former license, and only require to pay the additional fee, if the additions had been asked for at the time the original license had been asked for.

All licenses shall be granted for one (1) year, from the time they are issued and no longer.

Section 5. No milk nor cream shall be sold, nor offered for sale, nor be exchanged, while being conveyed or carried on any wagon, carriage or other vehicle, or be delivered from any vehicle unless there shall be painted on said vehicle on both sides thereof in a conspicious place, and in legible Roman characters, the name of the milk vender or the

name of the dairy furnishing such milk and the number of wagon and of the license under which the same is being done; also, any person selling milk from can carried by hand, shall cause his name and number of his license to be painted on said can.

No milk other than skim milk or buttermilk, shall be kept for sale or offered for sale, or be stored, exchanged, transported, conveyed, carried or delivered, with such intent to sell or offer for sale, or be in the care, custody, control or possession of anyone with such intent, if it contain more than eighty-eight per centum of watery fluids or less than twelve per-centum of total solids, of which total solids, three and one half (3½) per centum shall be butter fat. Nor shall any cream be sold or offered for sale, exchanged, delivered or be transported or carried for purposes of sale, or be offered for sale, exchanged or delivered as cream that contains less than eighteen (18) per-centum of butter fat, and any milk that contains more than eighty-eight (88) per centum of watery fluids or twelve (12) per centum of total solids, of which total solid less than three and one half (3½) per centum are butter fat, shall be known as skimmed milk, and shall only be sold as skimmed milk and not otherwise.

Section 6: No skimmed milk shall be sold, offered for sale, exchanged, delivered, transported or carried in any wagon, carriage or other vehicle unless the same is carried and contained in a can or vessel painted red, on which are conspicuously painted or printed the words "Skimmed Milk" in large, plain Roman letters not less than two (2) inches long.

Section 7: Nothing in this ordinance shall be so construed as to prohibit the use or sale of what is known as buttermilk, provided the same is produced from pure and wholesome milk. Should buttermilk however, be sold, kept, offered or exposed for sale, exchanged or transported, conveyed or carried, or be in the care, custody, control or possession of anyone with the intent as aforesaid which is not the product of pure and wholesome milk, the offenders shall be deemed guilty of violating this ordinance.

All officers and assistants acting under and by virtue of this ordinance shall have the power to

to examine and enter and have full access, egress and ingress to all places where milk or cream is stored or kept for sale, to all wagons, carriages or other vehicles, railroad cars or conveyances of any kind used for the conveyance, transportation or delivery of milk; to any warehouse, place of business, factory, building, farm, stable, railroad depot, establishments or places of any kind, to all vessels, cans, packages, refrigerators or receptacles of milk or cream, and to take samples of milk or cream therefrom, not exceeding one quart, for the purpose of inspecting, testing or analyzing the same, and to make report thereof to said city bacteriologist. And it shall be his duty to keep said report where the public can examine the same, and furnish to any newspaper desiring the same, the nature thereof. All samples of milk and cream taken or brought to the office of the department of health and charities by the employees thereof, or by any other person, shall be analyzed or otherwise satisfactorily tested, and wherever and whenever said milk or cream so tested or analyzed shall be found violating the provisions of this ordinance, the necessary steps shall be taken for a prosecution for a violation thereof.

Section 8: No person, firm or corporation shall sell, offer for sale, expose for sale, exchange, deliver, dispose of, transport convey or carry, or with any such intent as aforesaid, have in his or their care, custody, control or possession, any milk or cream having or containing any foreign or other substance of any kind whatever, or any coloring matter, or any adulteration or preservative, whether for the purpose of artificially increasing the quantity of the milk or cream, or for preserving the condition or sweetness thereof, or any purpose whatever.

Section 9: No person shall sell, offer for sale, exchange, deliver, transport or carry, for the purpose of sale, exchange or delivery or have in his custody, possession, care or control, with intent to sell, offer for sale, exchange or deliver, or expose or offer for sale exchange, transportation or delivery, any milk or cream for human food, which is unclean,

impure, unhealthy, deceased, unwholesome, adulterated or not of the standard of quality provided for by this ordinance, or milk or cream to which water or any foreign substance has been added, or milk or cream produced from sick or deceased cows, or milk or cream produced from cows fed on the refuse or slops from distilleries, breweries, vinegar factories, or any similar slops, mash or refuse or on any other than good and wholesome food, or milk or cream that has been exposed to, or contaminated or affected, by the emanation, discharges or exhalations from any human beings or animals sick with any contagious or infectious diseases by which the health or life of any person may be endangered, compromised or in any way affected.

Section 10: No milk or cream shall be sold, kept, offered or exposed for sale, stored, transported, exchanged, carried, delivered or in any manner disposed of, drawn from cows within fifteen (15) days before and ten days after parturition, nor shall the same be mixed with any other milk or cream for such purposes.

Section 11: Every hotel keeper, restaurant keeper or boarding house keeper, who furnishes milk or cream to his or their guests or boarders shall be in all respects subject and amenable to the provisions of this ordinance, saving and excepting the obtaining of license.

Section 12: Any person violating any of the provisions of this ordinance, or failing to do or perform any of the duties and acts required to be done by this ordinance, and any officer or employe whose duties come within the purview of this ordinance who willfully violates or assists in the violation of any of the provisions of this ordinance shall on conviction thereof be fined in any sum not exceeding one hundred ($100) dollars.

If any person is convicted of a second violation of any of the provisions of this ordinance committed after the first conviction, the court rendering such judgment shall in addition to the fine cancel any license then held by such person enabling him to sell milk or cream within the limits of said city.

Section 13: It shall be the duty of the city bacteriologist or one or more of the assistants employed in the milk division, of the department of health and charities, to visit and carefully examine each and every stable where cows are kept, from which milk is produced or sold under the licensee to be issued under the provisions of this ordinance, as often as he thinks necessary to prevent the violations of this ordinance, which shall not be less than twice each year, and make and file a report of the condition and surroundings in which said stables and the cattle therein are kept, cared for and fed.

Section 14: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 15: This ordinance to be in full force and effect on and after its passage approval by mayor and legal publication.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 11th day of July, 1899.

Approved July 15th 1899.
Allen R. Scheer
Mayor

Attest
Henry B. Morning
City Clerk.

General Ordinance No 129.

Introduced by Wm Mahon.

An Ordinance prohibiting cows, horses and other animals from running at large within the corporate limits of the City of Fort Wayne; for the providing of impounding, keeping, sale and redemption of, and providing penalties for the violation thereof."

Section 1: It shall be unlawful for any person or persons being the owner or having charge of any animal of the horse, cattle, goat, swine or goose kind, to permit the same to run at large upon any open lot, common, streets, alley, lane or public place within the limits of the City of Fort Wayne; that it shall be unlawful for any person to herd or stake any such animals in this section named, upon any street, alley, unenclosed lot or lands within the corporate limits of the City, in such a manner as will allow said animal or animals to go within 200 feet of any occupied building.

Section 2: There shall be established within the corporate limits of the City, a suitable place for the purpose of impounding animals found running at large; and the Board of Public Works shall appoint a "Pound Master"; said pound master shall devote his time to the duties herein provided, and to such other duties relating thereto, as the Board of Public Works may from time to time direct, and for such purposes he is hereby vested with police powers. He shall give bond to the City in the sum of five hundred dollars ($500.) conditioned for the faithful performance of his duties, as in this ordinance provided; he shall keep a book in which he shall enter a full description of every animal impounded by him, and the place from which the same was taken, the name of the owner as soon as ascertained, and the hour when impounded. He shall make a full account of all his doings and of all monies collected by him as such pound master, and shall pay the same to the Treasurer of said City, and the voucher of said Treasurer shall accompany said monthly reports.

Published in the Ft Wayne Journal Gazette [illegible]

Section 3: It shall be the duty of the pound master and the members of the police force to take up and impound any animal found running at large within

the corporate limits of the City, or herded or staked on any street, alley, lane, common or unenclosed lot in a manner other than is provided in section one of this ordinance. Such animals shall be impounded at such place provided by the city, and the pound master shall serve notice on the owner or owners personally if known and if the owner be not known, cause to be published in the daily paper of said City which does the city's printing, a notice to remove such animal within ten (10) days from the said notification; Said notice shall contain a description of the animal, including color, weight, size, specie and any artificial mark on or attached to said animal, and state the time and place where the same will be sold at public auction, unless sooner claimed, removed and charges thereon paid, and shall be preceeded by the Designation, "Impounded Animals" in large heavy type and be signed by the pound master.

Section 4: For every animal so impounded, the owner shall pay the following charges:

For each horse, mule, swine and horned cattle	$.75
For each sheep or goat	.25
For each goose	.10

For keeping and feeding such animals so impounded, per day, the following sums.

For each horse, mule, swine or horned cattle	.40
For each sheep or goat	.15
For each goose	.06

And no animal shall be released by the said pound master without the charges and penalties having been paid, which monies when so received shall be paid to the City Treasurer, who shall receipt for the same.

Section 5: It shall be unlawful for any person or persons to interfere with the pound master or with any person authorized to impound animals under this ordinance while in discharge of their respective duties or to release or attempt to release any animal being taken to the pound or thereafter impounded, or in custody of the pound master or other person or persons authorized to impound such animals.

Section 6: Any person or persons violating any of the provisions of this ordinance, upon conviction, shall be fined in any sum not to exceed one hundred dollars.

Section 7: All ordinances and parts of ordinance in conflict herewith, are hereby repealed.

Section 8: This ordinance to be in full force and effect on and after its passage, approval by Mayor and legal publication.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 11th, day of July, 1899.

Approved July 15th 1899
Henry P. Scherer
Mayor

attest
Henry B. Morning
City Clerk

General Ordinance No 130.

Introduced by J. J. Bauer & J. F. Jaenicke

An Ordinance to regulate the running of locomotives and cars in the City of Fort Wayne."

Section 1: Be it enacted by the Common Council of the City of Fort Wayne, That it shall be the duty of every Engineer, Conductor or other person engaged in running any locomotive, to ring the bell attached to such locomotive, whenever the same shall be moving in or through this City.

Section 2: It shall be unlawful for any engineer, conductor or other person having a railroad engine or train of cars in charge, to permit the same to be run along any track in said city, at a greater rate of speed than six (6) miles per hour.

Section 3: It shall be unlawful for any person running or controlling any locomotive, to sound the whistle thereof, or allow the same to be sounded within the corporate limits of said city, unless to prevent accident that cannot otherwise be arrested.

Section 4: Whenever any animal shall have been killed by any locomotive or car within the limits of said city, it shall be the duty of the yardmaster of any railroad upon which such animal may have been killed, to remove the same within twelve (12) hours thereafter.

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Section 5: It shall be unlawful for any person running or controlling any locomotive, to allow steam to escape from cylinder cocks, for exceeding a distance of two hundred (200) feet from any point of starting said locomotive; nor shall the steam be allowed to escape therefrom in crossing any street or within fifty (50) feet therefrom, excepting as above provided in cases of starting.

Section 6: It shall be unlawful for any engineer, conductor or other person, managing or controlling any locomotive or train of cars to run, or cause the same to run backwards in or through said city without providing for a watchman or other person on the rear end of such train to avoid accidents.

Section 7: Each railroad company shall erect at the entrance of such railroad within the city, a sign board, having thereon "stop, speed, ring the bell" legibly painted thereon and the same so erected.

Section 8: It shall be unlawful for any company, corporation or person to deposit or place in the street, any lumber or other material, or shall any such person load any car from the street with any material deposited thereon; nor erect or maintain any switch house, or any building upon any street or highway within the city limits.

Section 9: Every locomotive engine, railroad car or train of cars running in the night time upon any railroad within such city, shall keep, while running, a brilliant and conspicuous light upon the forward end of such locomotive or train of cars.

Section 10: It shall be unlawful for any railroad company or corporation, whose railroad crosses Calhoun street, in the City of Fort Wayne, to switch any of the cars over said street, or to allow any of its cars in crossing, to stand upon the track where the same crosses said street, for a longer period than two (2) minutes at any one time.

Section 11: It shall be unlawful for any engineer, conductor or person in charge of any engine or train of cars, to obstruct any passage of any street in said city by the moving or switching of any train or crossing, for a longer period than five (5) minutes.

Section 12: It shall be unlawful for any locomotive to be run within the city in such a manner as to hinder or interfere with any funeral procession.

Section 13: Superintendents of railroads running the city of Fort Wayne, shall furnish said engineer and train conductor operating trains on said railroads, and within the corporate limits of the city of Fort Wayne, a certified copy of this ordinance, and shall moreover furnish to any officer of said city applying therefor, the name of any person in the employment of said railroad company, who shall have been

charged with having violated any of the provisions of this ordinance.

Section 14: It shall be unlawful for any engineer, conductor or other person to leave any locomotive or car stand on any street or sidewalk within the limits of said city longer than five(5) minutes at any one time, without separating the train and allowing teams, vehicles, street cars and foot passengers to cross the railroad track. Calhoun street is excepted from this section and controlled by Section 10.

Section 15: It shall be the duty of the railroad companies operating lines within the corporate limits of the city of Fort Wayne to establish and maintain flagmen at the following railroad crossings in said city.
At the crossing of Barr street and the sidewalks thereof by the New York, Chicago and St Louis railroad.

At the crossing of Clinton street and the sidewalks thereof, by the New York, Chicago and St Louis railroad.

At the crossing of Clay street and the sidewalks thereof, by the New York, Chicago and St Louis railroad.

At the crossing of Van Buren street and the sidewalks thereof, by the New York, Chicago and St Louis railroad.

At the crossing of West Main street and the sidewalks thereof, by the Lake Shore and Michigan Southern railroad.

Section 16: Said flagmen shall be provided with proper and conspicuous signals and shall give proper and timely notice to all persons about to cross said tracks, of the approach of a locomotive, and said flagman shall prevent any person from standing on any track. For the purpose all flagmen shall be clothed with police power.

Section 17: That the Pittsburg, Fort Wayne and Chicago railroad is hereby required to erect and maintain safety gates on each side of

their tracks where the same cross, Broadway, Fairfield avenue, Calhoun street, Lafayette street, Hanna street and Wayne Trace in the city of Fort Wayne.

Section 18: That the Wabash railroad is hereby required to erect and maintain safety gates on each side of their their tracks where the same cross, Broadway, Fairfield avenue, Calhoun street, Lafayette street, Hanna street, and Walton avenue in the city of Fort Wayne.

Section 19: That the New York, Chicago and St Louis railroad is hereby required to erect and maintain safety gates on each side of their tracks where the same cross Calhoun street, Harrison street and Columbia street in the city of Fort Wayne.

Section 20: That the Lake Shore and Michigan Southern railroad is hereby required to erect and maintain safety gates on each side of their tracks where the same cross Wells street and Cass street, in the city of Fort Wayne.

Section 21: A reliable and competent man shall be employed to operate each of said gates when erected, who shall be and remain at his post of duty from six (6) oclock a. m. to nine (9) oclock p. m. of each and every day when trains are running, except when relieved by some other reliable and competent man.

Section 22: Each and every one of said companies named in Sections 15 and 17 of this ordinance, failing to erect and maintain flagmen and safety gates as and within the times as in this ordinance provided, shall be fined the sum of ten ($10) dollars on complaint of any citizen of said City filed before the Mayor, and every day the crossings are allowed to remain unprotected and without said gates, and flagmen after the expiration of the time specified shall be deemed a separate offence as to each of said companies required to maintain flagmen and safety gates, at the particular crossing about which said complaint is made.

Section 23: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 24: Any person or persons violating any of the provisions of this ordinance, except Sections 15 and 17 upon conviction shall be fined in any sum not exceeding fifty ($50) dollars.

Section 25: This ordinance to be in full force and effect on and after its passage approval by Mayor and legal publication.

Done at the Council Chamber in the City of Fort Wayne, Indiana this the 11th day of July, 1899.

Approved July 15th 1899.
Henry P. Scherer
Mayor

Attest
Henry B. Morning
City Clerk

General Ordinance No 131

Introduced by Mr. Lowry

An Ordinance providing for the licensing and regulation of certain things and providing a penalty for the violation thereof.

Section 1: It shall be unlawful for any person, company or corporation to keep for hire or pay within the corporate limits of the city of Fort Wayne, or within two miles thereof, any shooting, gallery, lifting, striking, blowing or pulling machines, swing or revolving swing or other device kept for hire or pay without first procuring a license herein required. It shall likewise be unlawful for any person company or corporation to exhibit or participate in exhibiting in the city of Fort Wayne or within two miles thereof any theatrical performance, any show of puppets, legerdemain, ventriloquism, wax-figures or animals, and display of tumbling feats, rope or wire walking or dancing, or sleight of hand, skating rink, any circus, menagerie, natural or artificial curiosity, deception or representation, or any musical performance or concert, or any exhibition of stereoptican views phonographs or similar inventions for the use of which money is charged, either as an entrance fee, or for each seperate or a collection of said instruments or any other display, show, exhibition or performance of a similar description without first procuring a license.

Section 2: The license herein provided for may be granted by the Comptroller of the City upon an application being made by the proper party, citing in the application, the time, place and character of the exhibition to be given. Upon such application being filed, the Comptroller shall issue an order to the Treasurer for the payment of such license fees as hereinafter provided and upon the delivery of the receipt of the Treasurer to him, for the amount paid, shall issue said license.

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For theatrical performances within doors for which an entrance fee of 50 cents and over is charged. $1.00 for each performance.
For theatrical performances within doors for which an entrance fee less than 50 cents is charged. $.75 for each performance.
For each first class circus, hippodrome or menagerie not including side shows for which an entrance fee of 50 cents and over is charged. $100.00 per day.
For any circus, hippodrome or menagerie not including side shows for which an admission fee of 25 cents, and less than 50 cents is charged. $50.00 per day.
For any circus, hippodrome, menagerie for which an admission fee of less than 25 cents is charged. $25.00 per day.

For each seperate side show. $5.00 per day.
For each dog or pony show where 20 cents, admission and more is charged. $10.00 per day.
For each dog and pony show where less than 20 cents, admission fee is charged. $6.00 per day.
For each side show to any dog or pony show. $3.00 per day.
For medicine venders appearing under tents and giving any show theatrical performance, concerts or exhibition whether for an admission fee or free of charge. $5.00 per day.
For skating rinks $10.00 per day when such rink is actually used and an admission fee charged.
For shooting galleries, for each target in use $25.00 per year, $5.00 per month, $2.00 per week, $1.00 per day.
For any swing, revolving swing or whirligig, striking, lifting, blowing, pulling or electric machines, telescope, ringboard or any other device for hire or pay, per year $50.00, per month $5.00, per week $3.00, per day $1.00.
For all exhibitions of ventriloquism, wax-figures, animals, rope and wire walking and tumbling feats, sleight of hand performance, (not connected with a regular licensed show or circus) or natural or artificial curiosities, steroptician views, phonographs or any similar inventions $2.00 per day.

Section 3: No provision of this Ordinance shall be deemed to apply to lectures on ~~scientific~~, historic, benevolent or literary subjects, or to apparatus for the ~~elucidation~~ of the same, or to specimens of fine arts, or to any concert or entertainment, or to the conducting of any exhibition, not indecorous or immoral, the net profits of which are devoted exclusively to any religious, charitable or scientific purpose.

Section 4: No license shall be granted for a longer period than One (1) year, neither shall the same be assignable or transferable or authorize any person to do business or act under it but the person named therein.

Section 5: Every license granted under this Ordinance shall at all times be subject to the Ordinances of the City existing when the same shall be issued, or which shall thereafter be passed so far as the same applys, and the Mayor may in his discretion

refuse to grant any such license when he has reasonable cause to believe that the giving of any such proposed exhibition would be a violation of any Ordinance of the City.

Section 6: All licenses for entertainments where a license is required shall contain a provision that no gambling, raffling, lottery or chance gift, distribution of money, or any articles of value shall be connected therewith or allowed by the persons or parties obtaining such licenses or in any way permitted or held out as an inducement to visitors, also a proviso that no indecent, immoral, lewed or scandalous play or other representation or exhibition shall be given under such licenses. Whoever violates the provisions of his, her or their license as aforesaid shall forfeit and pay a fine of not less than $5.00 nor more than $50.00 for every offence and it shall be the duty of the Mayor to revoke the license of any person or persons upon conviction of any offence.

Section 7: No person or persons shall be allowed to give any concert or entertainment in any licensed saloon within the city of Fort Wayne and within four (4) miles thereof. Any person or persons violating the provisions of this section shall be fined in a sum not less than $5.00 nor more than $50.00 and shall have his license revoked.

Section 8: It shall be unlawful for any person or persons to destroy tear, mutilate, cover over or otherwise deface any bill or poster (posted in such places as may be permitted by the owners) descriptive of any performance or entertainment given in any licensed theatre, hall or in pursuance of any license given by the City and any person violating the provisions of this Section shall be fined not exceeding Twenty five ($25.00) dollars for every violation thereof.

Section 9: No chairs, stools or seats of any discription shall be placed across the lobby, aisles or passage-ways in any theatre, hall or public place, and it shall be the duty of the police force to see that the foregoing provision is strictly observed and in case of any violation there of forthwith proceed to clear any obstructed aisle, passage-way or lobby and to arrest the offender or offenders, which shall be fined for such violation in any sum not exceeding $25.00.

Section 10. It shall be unlawful for any person or persons to stand in the lobby or entrance of any public place or on the sidewalk adjacent to and within 50 ft. of such entrance after the request "to move on" has been made by the owner, lessee or any police officer under a penalty of $1.00 for every such offence.

Section 11. The Comptroller shall keep a record of all licenses issued in a book kept for that purpose.

Section 12. Any person who shall violate any or either of the provisions of Sections One and Two of this Ordinance or who shall neglect or fail to comply with any of the requirements thereof, shall upon conviction forfeit and pay a fine of not more than One hundred ($100.00) dollars.

Section 13. All Ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 14. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication.

Done at the Council Chamber in the City of Fort Wayne, Indiana this the 8th day of August, 1899.

Approved August 12th, 1899.
Henry P. Scherer
Mayor

Attest
Henry B. Morning
City Clerk

General Ordinance No 132.

Introduced by J. J. Bauer

An Ordinance prohibiting traction and other engines or boilers from being propelled over and along certain streets of the city of Fort Wayne and providing penalties for the violation thereof.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, that it shall be unlawful for any person, firm or corporation to propel or cause to be propelled by steam over and along any street or alley of the city of Fort Wayne, any traction or other engine and boiler. That it shall likewise be unlawful for any person, firm, company or corporation to propel or cause to be propelled by steam or horse power, over and along any brick, sheet or block asphelt street, any traction or other engine and boiler without the tires of the wheels thereon are smooth; provided, that this Ordinance shall not be construed to prevent the use of steam rollers or other apparatus employed, under contract with the city of Fort Wayne, for the improvement or repair of any street or alley of said city, and, provided further, that this Ordinance shall not apply to, or be held to limit, modify or prevent the use of steam fire engines or other apparatus employed by the City of Fort Wayne in connection with any Department of Public service.

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Section 2: That any person, firm, company or corporation who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than $10.00 nor exceeding One Hundred ($100.00) dollars.

Section 3: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 8th day of August, 1899.

Approved August 10th 1899.
Harry P. Schmitt

Attest
Henry B. Manning
City Clerk

General Ordinance No 133.

Introduced by J. J. Bauer, J. J. Bryan, J. E. Zollinger

An Ordinance to amend Section Two (2); To repeal Section Three (3) of an Ordinance entitled "An Ordinance requiring persons engaged in selling Oil, Coal Oil, Gasoline or Petroleum, to take out a License, and fixing a penalty for the violation of the same.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, that Section Two (2) of an Ordinance entitled "An ordinance requiring persons engaged in selling oil, coal oil, gasoline or petroleum, to take out a license, and fixing a penalty for the violation of the same," be amended to read as follows: "The license charges shall be Six (86cts) dollars per annum, or One (31cts) dollar per month. Provided, That no license shall be issued for a period less than three (3) months at a time. That each person licensed under this ordinance shall be required to have fastened upon the wagon or vehicle that he may use, a "drip pan" to prevent escaping oil from droping upon the street or sidewalk.

Section 2: That Section three (3) of said ordinance be and is hereby repealed.

Published in the Fort Wayne Journal Gazette Aug 16 & 23

Section 3: This Ordinance to be in full force and effect on and after its passage and approval by the Mayor and legal publication.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 8th day of August, 1899.

Approved August 12th, 1899.

Henry B. Scherer
Mayor

Attest
Henry B. Manning
City Clerk

General Ordinance No 134.

An Ordinance to amend Section 2 and 6 of General Ordinance No 126, passed July 11, and approved July 15, 1899, entitled, "An Ordinance authorizing the issue and sale of Two hundred and seventy thousand dollars of Water Works Refunding Bonds of $1000. each of the City of Fort Wayne, in order to raise money to take up and refund bonds bearing dates, November 15, 1879, December 31, 1879, and January 15th 1880, prescribing the time and manner of advertising of sale of said Water Works Refunding bonds and of the receipt of the bids for the same together with the mode and terms of sale; appropriating the proceeds of the sale of said refunding bonds for the payment of said outstanding bonds and providing for the refunding of the indebtedness of said city of Fort Wayne represented by said bonds and matters connected therewith and fixing a time when the same shall take effect.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, that Section Two (2) of the above entitled Ordinance be and the same is hereby amended to read as follows. That the City Comptroller is hereby directed and authorized for the purpose of refunding said indebtedness of Two hundred and seventy thousand ($270,000.) dollars to prepare and sell 270 new bonds of the City of Fort Wayne, Allen County, Indiana, of the sum of $1,000. each, which bonds shall be designated as "Fort Wayne, Indiana, Water Works Refunding Bonds, and shall bear dates as set out below and be for the amounts as follows.

$100.000 which will mature on November 15, 1899, shall bear date November 15th, 1899 and shall be designated as, "Series A."

$24.000. which will mature on December 31, 1899 shall bear date December 31st, 1899, and shall be designated as "Series B."

$146.000. which will mature on January 15, 1900, shall bear date January 15th, 1900 and shall be designated as "Series C." all of $1000. each.

All of which shall bear interest at the rate of 3½ per cent per annum which Interest shall be payable semi annually as follows.

The Interest on "Series A" shall be payable on the 15th day of May and the 15th day of November each year. The Interest on "Series B." shall be payable on the 31st day of June and the 31st day of December each year. The Interest on "Series C" shall be payable on the 15th day of July and the 15th day of January of each year, and all of said instalments of Interest shall be evidenced by Interest coupons attached to said bonds. Said Bonds and Interest coupons shall be made payable at the office of the United States Mortgage and Trust Company of the city, county and State of New York and said bonds shall be issued to mature as follows.

$100000. designated as "Series A." shall run for 20 years from date of issue, each bond to be for the sum of $1000., and they shall be numbered from one to one hundred (1–100) inclusive.
The 24 bonds designated as "Series B" shall run for 10 years from the date of issue, each bond to be for the sum of $1000. and designated as "Series B" they be numbered from one to twenty four (1-24) inclusive.
The 146 bonds, designated as "Series C" shall run for 20 years from date of issue, each bond to be for the sum of $1000, they shall be numbered from 1 to 146 inclusive.

All of the above bonds "Series A, B and C shall be signed in the Mayor and City Comptroller who shall affix the Seal of said city to each of said bonds. All interest coupons shall bear the lithograph fac-simile of the Mayor and City Comptroller. Said bonds shall be prepared by the City Comptroller in due form, irrevocably pledging the faith and credit of said city of Fort Wayne, Indiana.
It shall be the duty of the City Comptroller at the time of the issuance and negotiation of said bonds to register in a book kept for that purpose, all of said bonds issued and negotiated for that purpose. In said register shall be entered in serial number all bonds issued and negotiated beginning with the Series and No.1. and there shall also be given the date of their issuance, their amount, date of maturity, rate of interest and the time and place where said interest shall be payable.

All of said bonds shall be substantially in the following forms, all blanks for Series, numbers, dates, amounts to be properly filled by the Comptroller in accordance with date of issue, the date of maturity of both the bonds and the interest coupons as hereinbefore set forth.

No. —— $1000

Series. —— Due

City of Fort Wayne
State of Indiana, Allen County.
Fort Wayne Water Works Refunding Bonds.

For value received, the City of Fort Wayne, Indiana, promises to pay to the bearer one thousand ($1000) dollars in lawful money of the United States of America on the —— day of ———— 19— with interest thereon at the rate of 3½ per cent per annum payable semi-annually on the —— day of ———— and the ———— day of —— of each year upon the surrender and cancellation of the proper coupons hereto attached, both principal and interest being payable at the office of the United States Mortgage and Trust Company in the city, county and state of New York.

This bond is one of a series of ———— bonds designated as Series —— and numbered from —— to —— inclusive, each of the same date, amount maturity, tenor and effect, which bonds have been issued by the city of Fort Wayne, Indiana, in order to raise money to take up valid outstanding bonds of the city under and pursuant to the ordinance duly and legally passed by the Common Council of said city, in strict conformity with, and as authorized by an act of the General Assembly of the State of Indiana, entitled, "An Act concerning the incorporation and government of cities having more than 35000 and less than 49000 population according to the last preceding United States census and matters connected therewith and declaring an emergency approved March 3rd, 1893, and all acts supplementary thereto and amendatory thereof, and all other acts enabling the city thereof, and it is hereby certified that, all things and acts required by law of the State of Indiana, and by said Ordinance have happened and have been done and performed in and about the authorization,

preparation, issue and complete execution of this bond, and this bond and the bonds refunded hereby are certified to be within every limit of indebtedness prescribed by the constitution and laws of the State of Indiana. The faith and credit of the said City of Fort Wayne, Indiana, is irrevocably pledged to the payment of principal and interest of this bond as herein stipulated.

In witness whereof the Common Council of the City of Fort Wayne, Indiana, has caused this bond to be signed by the Mayor and City Comptroller on the ____ day of _____

Henry P. Scherer
Mayor

Henry C. Berghoff.
Comptroller.

"
Series ____ Coupon
No ____ #17-20

City of Fort Wayne, Indiana promises to pay to bearer at the office of the United States Mortgage and Trust Company in the City of New York borough of Manhattan on the ____ day of _____ the sum of seventeen and 50/100 dollars, being six months interest then due on its Water Works Refunding bond. No ____ dated _____

Henry P. Scherer
Mayor

Henry C. Berghoff.
Comptroller.

Section 2: That Section 6 be amended to read as follows. When the bonds herein authorized have been issued and sold as in the Ordinance provided, the Comptroller of the said city of Fort Wayne, shall deliver the said bonds so issued and sold to the purchaser or purchasers thereof at the office of the United States Mortgage and Trust Company, in the city of New York and in the State of New York as follows.

100 000 to be delivered November 15th 1899.
24000 to be delivered December 31st 1899
146000 to be delivered January 15th 1900, and the par value of the different issues realized by such sale, shall be deposited with, retained by and paid out by the United States Mortgage and Trust Company, for the city of Fort Wayne, Indiana, to the owners of the different issues of bonds refunded upon presentation and cancellation of said bonds.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 12th day of September, 1899.

Approved September 16th 1899.
Henry P. Sch[illegible]

Attest
Henry B. Morrison
City Clerk

General Ordinance No 135.

Submitted by

An Ordinance providing for the better protection of Property from Fire.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, that the Chief of Fire Department, or assistant in charge at any fire, may prescribe limits in the vicinity of such fire, within which no person, except those whose property may be within such limits, shall be allowed, unless by permission of said Chief or assistant in charge, or the Chief of Police of the City; and it shall be the duty of the police force of the city to enforce the orders of said Chief of Fire Department or the Chief of Police respecting the occupation of said limits during the progress of the fire. Every person who may be present at such fire shall be subject to the orders of said Chief or assistant in charge, or Chief of Police of the city, and shall do and perform such duty as may be required of him by either of said officers in the extinguishing of such fire or the removal or protection of property endangered thereby. Any person violating any of the provisions of this section, or shall disobey the orders given him by either of said officers, or failing to perform such duties as may be required of him by either of said officers, shall be deemed guilty of a misdemenor, and, upon conviction before the Mayor, shall be fined in any sum not less than five dollars nor more than twenty five dollars at the discretion of the Court.

Published in the Fort Wayne Journal Gazette Sept 20 & 22 2nd

Section 2: It shall be the duty of the Chief of Fire Department or assistant in charge at any fire, to make prompt and thorough investigation of the cause of such fire, and, for that purpose, he is hereby authorized to request the Mayor to require the attendance of witnesses

and the production of books and papers, property, or other evidence, at such a time and place as shall be deemed, by the Mayor, convenient and proper. Such witnesses shall be required to give their evidence under oath, which shall be reduced to writing and placed on file with the Chief of Fire Department and a record of such proceedings shall be kept by said officers, and shall be authenticated by the Chief of the Fire Department or assistant making the investigation.

Section 3: All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4: This ordinance to be in full force and effect on and after its passage, approval by Mayor and legal publication.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 12th day of September 1899.

Approved September 16th, 1899
Henry A. Schierer
Mayor

Attest
Henry B. Morning
City Clerk

General Ordinance No 136

Introduced by ...

An Ordinance to amend Sections 2 and 6 of General Ordinance No 127 entitled, "An Ordinance authorizing the issue and sale of Fifty thousand dollars refunding bonds of $1000. each of the City of Fort Wayne in order to raise money to take up and refund certain bonds bearing date of October 15th, 1879 which will become due October 15th, 1899, prescribing the time and manner of advertising the sale of said refunding bonds and of the receipt of the bids for the same together with the mode and terms of sale, appropriating the proceeds of the sale of said refunding bonds for the payment of said outstanding bonds providing the time and manner of the payments of said outstanding bonds and providing for the refunding of the indebtedness of said City of Fort Wayne represented by said bonds and matters connected therewith and fixing the time when the same shall take effect.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that Section 6 of the above entitled ordinance be and the same is hereby amended to read as follows.

When the bonds herein authorized have been issued and sold as in the Ordinance provided, the Comptroller of the said city of Fort Wayne shall deliver the said bonds so issued and sold to the purchaser or purchasers thereof at the office of the United States Mortgage and Trust Company in the City of New York and in the State of New York, on the 1st day of October, 1899, and $50000. (fifty thousand dollars) of the money realized by the sale of these bonds shall be deposited with, retained by and paid out by said United States Mortgage and Trust Company for the city of Fort Wayne, Indiana, to the owners of said bonds refunded upon presentation and cancellation of said bonds.

Section 2: That Section 2 be amended to read as follows.

That the city Comptroller is hereby directed and authorized for the purpose of refunding said indebtedness of fifty thousand ($50000) dollars to prepare and sell fifty (50) new bonds of the city of Fort Wayne Allen County, Indiana,

of the sum of one thousand dollars ($1000) each, which bonds shall bear date of October 15th 1899, shall be designated as, "Fort Wayne Refunding Bonds of 1899" shall bear interest at the rate of 3½ per cent per annum, which interest shall be payable semi-annually on the 15th day of April and the 15th day of October of each year, and said installments of interest shall be evidenced by interest coupons attached to said bonds. Said Bonds and interest coupons shall be made payable at the office of the United States Mortgage and Trust Company of the city, county and state of New York, and said bonds shall run from one to ten years from the 15th day of October, 1899, as follows: $5000 to be payable after the first year, $5000, payable after the second year and $5000 each year thereafter for eight (8) years and shall be signed by the Mayor and City Comptroller and shall have affixed the seal of said city to each of said bonds, and said interest coupons shall bear the lithograph fac-simile of the signatures of the mayor and city Comptroller. Said bonds shall be prepared by the City Comptroller in due form, irrevocably pledging the faith and credit of the city of Fort Wayne, Indiana, to the payment of the principal and interest stipulated therein respectively.

It shall be the duty of the City Comptroller at the time of the issuance and negotiation of said bonds to register in a book kept for that purpose all of said bonds so issued and negtiated.

In said register shall be entered in serial number all bonds issued and negotiated beginning with No. 1, and there shall also be given the date of their issuance, their amount, date of maturity rate of interest, and the time and place where said interest shall be payable. Said bonds shall be substantially in the following form, all blanks for numbers and dates to be properly filled before issuance thereof.

No— $1000.

City of Fort Wayne.
State of Indiana, Allen County.
"Fort Wayne Refunding Bonds of 1899."
Due in installments 1-10 years.

For value received, the city of Fort Wayne, Indiana, promises to pay to the bearer One thousand ($1000) dollars in lawful money of the United States of America on the 15th day of October 19— with interest thereon at the rate of 3½ per cent per annum payable semi-annually on the 15th day of April and the 15th day of October of each year upon the surrender and cancellation of the proper coupons hereto attached, both principal and interest being payable at the office of the United States Mortgage and Trust Company in the city County and state of New York.

This bond is one of a series of fifty (50) bonds numbering from one to fifty (1–50) inclusive, each of the same date, amount, tenor and effect and maturing as follows.

No 1 to 5 inclusive payable on the 15th day of October 1900.
No 6 to 10 inclusive payable on the 15th day of October 1901.
No 11 to 15 inclusive payable on the 15th day of October 1902
No 16 to 20 inclusive payable on the 15th day of October 1903.
No 21 to 25 inclusive payable on the 15th day of October 1904.
No 26 to 30 inclusive payable on the 15th day of October 1905.
No 31 to 35 inclusive payable on the 15th day of October 1906.
No 36 to 40 inclusive payable on the 15th day of October 1907
No 41 to 45 inclusive payable on the 15th day of October 1908.
No 46 to 50 inclusive payable on the 15th day of October 1909.

Which bonds have been issued by the city of Fort Wayne in order to raise money to pay valid outstanding bonds of the city under and pursuant to an Ordinance duly and legally passed by the Common Council of said city in strict conformity with and as authorized by an act of the general assembly of the state of Indiana, entitled, "An Act concerning the incorporation and government of cities having more than thirty five thousand (35,000) and less than forty nine thousand (49,000) population according to the last preceding United States census and matters connected therewith and declaring an emergency, approved March 3rd 1893," and all acts supplementary thereto and amendatory thereof and all other acts enabling the city thereof and it is hereby certified that all things and acts required by law of the state of Indiana and by said Ordinance have happened and have been done and performed in and about the authorization,

preparation, issue and complete execution of this bond, and this bond and the bonds refunded hereby are certified to be within every limit of indebtedness prescribed by the constitution and laws of the state of Indiana. The faith and credit of the said city of Fort Wayne, Indiana, is irrevocably pledged to the payment of the principal and interest of this bond as herein stipulated.

In witness whereof the Common Council of the city of Fort Wayne, Indiana, has caused this bond to be signed by the Mayor and City Comptroller on the 15th day of October 1899.

H. P. Scherer,
Mayor.

Henry C. Berghoff,
Comptroller.

Coupon

No — #17 50

City of Fort Wayne, Indiana, promises to pay to bearer at the office of the United States Mortgage and Trust Company, in the city of New York, borough of Manhattan on the 15th day of —— the sum of seventeen and 50-100 dollars, being six months interest due at that date on its refunding bond No— dated October 15th, 1899.

H.P. Scherer,
Mayor.

Henry C. Berghoff,
Comptroller.

The interest warrants or coupons attached to said bonds shall be authenticated by the signature of the Mayor and City Comptroller engraven thereon, which shall for all purposes be taken and deemed to be equivalent to a manual signing thereof.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana this the 12th day of September, 1899.

Approved September 16th 1899.
Henry P. Scherer
Mayor

Attest
Henry B. Manning
City Clerk

General Ordinance No 137.

Introduced by E. J. Eckman

An Ordinance fixing the tax levy for city purposes for the year 1900.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that a levy of ninety-four (94) cents upon each $100.00 of assessed valuation of all the property within the limits of the city of Fort Wayne, be made for the year 1900; also that there shall be collected of each male inhabitant liable by law a poll tax of $2.00 all monies derived from said levy to be appropriated and used for the following purposes.

General purposes and interest	84¼ cts
Sinking Fund	05 "
Anthony Wayne Monument Fund	00 ¼ "
Firemens Pension Fund	01 "
Municipal Electric Plant	03½ "
Total	94 cents

Section 2: That all of said taxes shall be collected by semi-annual installments.

Section 3: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 29th day of September, 1899.

Approved September 30th 1899.

Henry P. Scheer
Mayor

Attest
Henry B. Morning
City Clerk

General Ordinance No 138.

Introduced by F. X. Schmitz

An Ordinance concerning the Sale of Fire Arms or guns or other devices for propelling missles to minors, providing penalties.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, that it shall be and is hereby declared to be unlawful for any person to sell or give away within this city to any minor, any rifle or gun, for shooting powder or ball, or any air gun or air rifle, or other gun, rifle or device for shooting and propelling missles. And it shall be unlawful for any minor to have in his possession, any such gun, rifle or device on any of the public streets, alleys, lanes, avenues, parks or commons of said city.

Section 2: Any person who shall violate the provisions of this Ordinance shall upon conviction thereof, be fined in any sum not more than twenty five dollars.

Was published in the Fort Wayne Daily Gazette on the 30th Nov 1899

Section 3: This Ordinance to be in full force and effect from and after its passage, approval by Mayor and legal publication.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 24th day of October, 1899.

Approved October 28th, 1899.
Henry P. Scherer
Mayor.

Attest
Henry B. Morning
City Clerk.

General Ordinance No 139.

Ordinance relating to Legal Holidays.

Section 1: Be it enacted by the Common Council of the City of Fort Wayne, that all municipal offices shall remain closed and no public business shall be transacted in and on all days that are designated by the Statute of the State of Indiana as Legal Holidays.

Section 2: This Ordinance to be in full force and effect on and after its passage and legal publication.

Published in the Fort Wayne Journal Gazette Oct 30th Nov 6th

Done at the Council Chamber in the City of Fort Wayne, Indiana this the 24th day of October, 1879.

Approved October 28th 1879.
Henry C. Schere
Mayor

attest
Henry B. Morning
City C

General Ordinance No 140.

An Ordinance regulating the building and maintaining of partition Fences.

Introduced by Jno. T. Gretsch

Section 1: The respective owners of all lots in the City of Fort Wayne, shall construct and maintain partition fences between their own and the next adjoining lots at an equal expense to each owner; such partition fence shall be constructed of posts ~~sunk~~ sunk in the soil at least three feet, and of a height above the surface of not less than three feet or more than six feet, with rough boards; in all cases when the houses in streets on which lots front run by numbers from east to west, the posts shall be placed contiguous to and on the westerly line of the dividing line, and the boards shall be nailed or fastened to the easterly side of the post; and when the houses on such streets number from west to east, the posts shall be placed on the easterly side of the dividing line, and the boards on the westerly side of the posts. On lots fronting on streets, the numbers of the houses whereon run from north to south, the fence posts shall be placed contiguous to and on the north side of the dividing line, and the boards on the south side of the post; and when such numbers run from south to north, such posts shall be placed contiguous to and on the south side of the dividing line, and the boards on the north side of the posts. Any person violating the provisions of this section shall upon conviction be fined in any sum not exceeding one hundred dollars ($100.00).

Published in the Ft. Wayne Journal Gazette, Nov. 27th 1867

Section 2: Whenever any party shall neglect to build, repair, or rebuild any partition fence which of right he ought to build, repair or rebuild, the aggrived party may complain to the Board of Public Works who shall give notice in writing to the parties of the time and place when they shall examine into the same; upon such examination said Board shall determine in writing if such is required to be built, repaired or rebuilt, and in such case the proportion shall be paid by each of the owners, a copy of which shall be served on each party in interest; if any party shall neglect for the space of twenty days, after service of such finding, to comply with the requirements thereof, the other party may proceed to build, repair or rebuild such fence,

and the party neglecting to comply with the requirements of such finding shall be liable to the party doing the work for the entire expense thereof.

Section 3: Notwithstanding anything in this ordinance contained, the owners of adjacent lots may amicably agree upon the size, character and height of their partition fences, and the proportion in which they shall bear the expense thereof.

Section 4: When, by the inclosure of uninclosed lots or lands, a fence already erected shall become a partition fence, the person making such inclosure, shall pay to the owner of such fence, the value of one-half of the same at the time of making such inclosure.

Section 5: When any person by mistake, shall have erected a fence on the lot or lands of another, and when, by a line legally determined, such fact is ascertained, such person shall have the right to enter upon such premises and remove the fence to the line so legally determined, doing no unnecessary injuries to the premises.

Section 6: All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7: This ordinance to be in full force and effect on and after its passage, approval by Mayor and legal publication.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 14th day of November, 1899.

Approved, November, 18th 1899.

Henry P. Scherer
Mayor.

Attest
Henry B. Morning
City Clerk

General Ordinance No 141.

An Ordinance authorizing the construction of areas, vaults and basements under sidewalks.

Introduced by W. Clark.

Section 1: No person, persons, firm, corporation or association, shall hereafter excavate, construct, or build any area or basement under any sidewalk, street, highway, avenue, lane or alley in the City of Fort Wayne, unless permission shall have first been granted by the Board of Public Works to build or construct such area or basement.

Section 2: The walls enclosing such area or basement shall in no case extend into or under any sidewalk, street, highway, avenue, lane or alley in the City of Fort Wayne, farther than to the inside of the curb line of any such street, highway, avenue, lane or alley in the City of Fort Wayne; and no such area wall shall be built in any case until a plan of such wall, showing the location, dimensions, the material to be used and the manner of construction thereof, shall have been submitted to the Board of Public Works and shall have been approved by said Board.

Published in the Ft. Wayne Journal Nov. 27th, [illegible]

Section 3: It shall be, and it is hereby made the duty of the Board of Public Works to examine any plan of contemplated area walls, which shall be submitted to them, and the proposed location thereof, and to approve or disapprove of the same; and to supervise the construction of the same according to such plans and specifications furnished to and approved by said board as aforesaid.

Section 4: In granting permission to excavate, construct or build any area or basement under any sidewalk, street, avenue, highway, lane or alley in the City of Fort Wayne, as provided in this Ordinance, the City of Fort Wayne, does not relinquish any right it has or may have to use that portion of or under any sidewalk, street, avenue, highway, lane or alley in the City of Fort Wayne, which may be included in such area or basement, for any purpose for which it might have used, the same as if such permission had not been granted.

Section 5: No permit shall be granted for the permanent use and occupancy of so much space under the sidewalks, at the corner of the streets, as may be necessary for hydrants, lamp posts or for access to the same, and such space shall be specified and reserved in all cases for the use of the city, whenever it may require the same for any purpose.

Section 6: Any owner, builder or other person, who shall, in violation of this Ordinance occupy or use any part of the public streets beneath or under any such sidewalks, or included within the sidewalk lines, or, if there be no such sidewalks, shall occupy or use below the grade, such part thereof as comes within the sidewalk lines of said street without a permit first had, and obtained under this ordinance, shall be liable to the penalty hereinafter prescribed.

Section 7: Every opening in any vault or coal hole or other apertule in the sidewalk, or over said coal hole or vault, shall be covered with a substantial iron plate, with a rough surface to prevent accidents, and the entire construction of said coal holes and vaults shall be subject to the direction and supervision of the City Civil Engineer, or such other person as the Board of Public Works may designate.

Section 8: The owner or occupant of the abbutting premises in front of which any coal hole, vault or area is thus permitted to be constructed, shall be held responsible for any and all damages to persons or property, in consequence of any defect in the construction of such coal hole, vault or area, or for allowing the same or any portion thereof to remain out of repair; and such owner and occupant shall be required to keep the said coal hole, vault or area, and the walls and coverings of the same, in good order at all times.

Section 9: The owner or occupant of any premises abutting on such coal hole, vault or area shall be held responsible for any and all damages occasioned to person or property in consequence of the aperture

in the sidewalk being left open or uncovered, or from the cover thereof being left insecure or unfastened, and such occupant shall be required to keep such coal hole, vault or area cover, in good order and safe for public travel over the same.

Section 10: No person or persons shall remove or insecurely fix, or cause, or suffer, or permit, to be removed or insecurely fixed so that the same can be moved in its bed, any grate or covering of any coal hole, vault or chute under any sidewalk or other public place. Provided, That nothing herein contained shall prevent the owner or occupant of the premises with which such coal hole, vault or chute shall be connected, from removing such grate or covering for the proper purpose of such coal hole, vault or chute, provided he inclose such opening or aperture and keep the same inclosed, while such grate or covering shall be removed, with a substantial box or curb, not less than twelve inches high; And Provided further, That he shall not remove such grate or covering until after daylight of any day and shall replace such grate or covering before one-half hour after sunset.

Section 11: Any person violating any of the provisions of this Ordinance, upon conviction shall be fined in any sum not exceeding one hundred dollars. ($100.)

Section 12: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 13: This Ordinance to be in full force and effect from and after its passage, approval by Mayor and legal publication.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 14th day of November, 1899.

Approved November, 18th 1899.

Henry P. Schier
Mayor

Attest
Harry D. Manning
City Clerk

General Ordinance No 142.

An Ordinance regulating the moving of houses over and along public streets of the city of Fort Wayne.

Introduced by J L Bass

Section 1: It shall be unlawful for any person to remove any building over or along any street or alley of the City of Fort Wayne, without first obtaining a permit so to do, from the Board of Public Works of said City.

Section 2: The permit above mentioned shall be based upon a formal petition in writing, addressed to the Board of Public Works. The said petition shall distinctly set forth the points from and to which such removal is to be made; shall accurately describe said building and shall set forth specifically, the route to be taken, the streets and alleys to be passed over. No building shall be moved over any other street, alley or route than specified in the petition granting the permit.

Section 3. Before the Board of Public Works shall issue to any person upon application, a permit for the moving of any building, said person shall file with the Board of Public Works, a bond in the penal sum of five hundred ($500.) dollars, with good free hold security, conditioned for the faithful and prompt performance of the work according to specifications in the permit, and to secure the city against damage to her streets and alleys and the citizens and property owners of said city against damage to their private property. The bond above shall be made payable to the State of Indiana for the use and benifit of the City or any one damaged by such removal; and any one so damaged may obtain an action for such damage on said bond.

Published in the Fort Wayne Journal Gazette Nov 20th & 27th 1899

Section 4: It shall be unlawful for any person to make any unnecessary stoppage or delay upon any street or alley when removing such building or to occupy said street or alley more than six (6) days (exclusive of Sunday) in the removing from the old to the new location.

Section 5: If any person shall injure any street, alley or public place, over and along which he shall remove or cause to be removed any building, he shall repair the same within twenty four (24) hours to the satisfaction of the Board of Public Works and City Civil Engineer.

Section 6: Any person violating any of the provisions of sections One (1) and Four (4) of this Ordinance, upon conviction, shall be fined in any sum not exceeding one hundred dollars.

Section 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 8: This Ordinance to be in full force and effect from and after its passage, approval by Mayor and legal publication.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 14th day of November, 1899.

Approved November, 18th, 1899.

Henry P. [illegible]

Attest

Henry B. Morning

City Clerk

General Ordinance, No 143.

An Ordinance defining certain offences.

Introduced by [illegible]

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, that it shall be unlawful for any common prostitute to be found wandering about this city, or within two miles of the corporate limits thereof, or found guilty of any lewd or lascivious conduct in any public place within the aforesaid limits.

Section 2: It shall be unlawful for any person within the city of Fort Wayne, in the practice of any trick, game or device whatever, or by means of any false or fraudulent token, representation, writing or any false pretense, to defraud of or obtain from, or attempt to defraud of or obtain from another, any money or thing of value.

Section 3: It shall be unlawful for any person to make any noise, disorder or tumult to the disturbance of the peace and quietude of the city or to the annoyance of any of its inhabitants, or to permit such noise, disorder or tumult to be made in, or about his house or premises.

Published in the Ft. Wayne Journal Gazette, number 20th & 27th

Section 4: All police officers of the city of Fort Wayne are hereby empowered and enjoined to arrest with or without process any person who, in the night time or on Sunday, and within one mile of the city limits therefrom, shall be found rioting, fighting or in any manner disturbing the public peace. And said officers shall commit such offender to the city prison for safe keeping until complaint can be made before the Mayor of the city; Provided, however, that no person shall be imprisoned longer than ten o'clock of the succeeding day, unless such succeeding day shall be Sunday in which case complaint against such offender shall be made on the next following Monday. All arrests shall be subject to the right to be admitted to bail, as provided by law.

Section 5: It shall be unlawful for any person to climb upon or into any wagon, carriage, sleigh or other vehicle while the same may be in motion or attach his sled or cart to any such vehicle, without the consent of the driver thereof; or to otherwise molest, or annoy any person in said city.

Section 6: It shall be unlawful for any person to distribute, cast, throw or place in, upon or along any of the streets, alleys or public places of the city of Fort Wayne, any hand bills, pamphlets, circulars, books or advertisements for the purpose or with the intent of advertising or making known in a general or promiscous manner, any occupation, profession, medical treatment medicines or anything whatever.

Section 7: It shall be unlawful for any person or persons in said city to loiter or congregate about, or upon any stairway, doorway, window, or in front of any business or dwelling house, theatre, lecture room, church, street or street corner, or elsewhere, and by so doing obstruct or interfere with the free passage of persons entering or occupying such building or premises, or by their language, conversation or conduct annoy, insult or disturb persons passing along the streets or alleys, or occupying, residing or doing business in any of said houses, or places.

Section 8: It shall be unlawful for any person to attempt to pick the pockets of, or to take from the person of another any money or other thing of value.

Section 9: It shall be unlawful for any person to perform any indecent, immoral or lewd play or representation within the corporate limits of the city.

Section 10: It shall be unlawful for any person within the limit of the city, or within the distance of two miles therefrom to wander in the public streets, or in any place of public resort, to beg or gather alms, or cause or procure or encourage any child or children so to do.

Section 11: It shall be unlawful for any person to fly a kite, or engage in any sport or exercise likely to scare horses, injure passengers, or embarrass the passage of vehicles, in any street or alley in the city.

Section 12: It shall be unlawful for any person to purposely or heedlessly cast, or throw any stone, brick or other missle, from, or into any street or other public place, or at, against, or into any building, shade tree, or other property, or shall climb upon or walk upon the top or capping of any fence or railing or into any shade or ornamental tree upon any public street or place, or shall in any wise injure or deface any building, fence, gate or shade tree, or shall meddle with or injure any well, cistern, hydrant or pump within said city.

Section 13: It shall be unlawful for any person to keep or leave open any cellar door, or grating of any vault, on any street or sidewalk, or suffer the same to be left or kept open.

Section 14: It shall be unlawful for any person to hitch any horse or other animal in such a manner as will allow it to go upon or over any sidewalk, or to hitch any animal to any shade or ornamental tree, awning, post or lamp post in said city; and it shall be unlawful for any person to leave any horse, horses or other animals, attached to any vehicle, in any of the streets, alleys, or lanes of the city, without securely fastening such horse, horses or other animals.

Section 15: It shall be unlawful for any person, willfully to give or make a false alarm of fire or watch, or to employ any bell-man or use or cause to be used, any bell, horn, bugle or other sounding instrument, or to employ any device, noise or performance, tending in either case, to the collecting of persons on the streets, sidewalks, or other public places, to the obstruction of the same, for any purpose whatever.

Section 16: It shall be unlawful for any person to pull down, deface or destroy any written or printed notice, advertisement or bill, posted up at any place in the city, which said notice, advertisement or bill has been so posted by permission of the owner or person having control of the place whereon such posting is made.

Section 17: It shall be unlawful for any person to resist or molest any city officer in the execution or performance of his official duties.

Section 18: It shall be unlawful for any person to fire or discharge any common gun, fowling piece, pistol or firearms of any description, or to fire, or explode or set off any squib, cracker, or any other thing containing powder, or other combustible or explosive material, without written permission from the Mayor; which permission shall limit the time of firing, and shall be subject to be revoked by the Mayor at any after it has been granted.

Section 19: It shall be unlawful for any person to ride or drive any horse or horses through or upon the streets, alleys or public grounds of the City of Fort Wayne, at a greater speed than eight (8) miles per hour; that it shall likewise be unlawful for any person or persons to ride or propel any bicycle, tricycle or automobile over the streets of the city at a rate of speed to exceed eight (8) miles per hour, provided that the Mayor may designate certain streets upon which horses may be speeded for amusement, under proper regulations.

Section 20: It shall be unlawful for any person upon turning the corner of any street in the City of Fort Wayne, to ride or drive any horse or horses or other animals, at a greater speed than four (4) miles an hour or to ride or propel any bicycle, tricycle or automobile in turning any street corner at a greater speed than four (4) miles per hour; Provided, that this limitation shall not apply to fire departments in answering any alarm of fire nor to the police patrol.

Section 21: It shall be unlawful for any person to keep, harbor or have any swine within the limits of the city of Fort Wayne.

Section 22: It shall be unlawful for any person other than members of the fire department, of said city, to ride upon or hang on any engine, hook and ladder truck, hose carriage or other fire apparatus, while going to or returning from any fire or fire alarm.

Section 23: It shall be unlawful for any person to build, or cause to be built, within the limits of said city, any privy vaults, or to use for such purpose any vault, unless the same is built of brick, stone or metallic substances, and made watertight, and not less than four feet deep.

Section 24: It shall be unlawful for any person, other than a police officer of said city, to blow a police whistle within the corporate limits of said city.

Section 25: It shall be unlawful for any person to enter the lot or premises of another without having the consent of the person in possession of such lot or premises, unless such entry be made for legitimate business purposes.

Section 26: It shall be unlawful for any person to enter upon or injure, or cause to be injured, any grass plat or lawn, flower bed or garden, upon the lot or premises of another, whether such lot or premises is inclosed or uninclosed.

Section 27: It shall be unlawful for any person to hang to, or climb upon any electric light tower or pole.

Section 28: It shall be unlawful for any person to erect or maintain any fence separating lots or real estate from any sidewalk, street or alley, any part of which fence is made from barbed wire.

Section 29: It shall be unlawful to put up or maintain or suffer to be put up or maintained, any sign, banner or streemer or other device for advertising or other purpose, by suspending the same across any street or alley within the city.

Section 30: It shall be unlawful for any person to put up or maintain any sign, which shall project over any sidewalk in said city more than four feet from the building line of the street, or the lowest part of which sign shall be less than eight feet above the ground.

Section 31: It shall be unlawful for any person, without competent authority, to light or extinguish any electric, gas or other light used by said city.

Section 32: It shall be unlawful to shoe any horse upon, or in any street or alley of the city.

Section 33: It shall be unlawful for the owner of any building or lot, to permit the sidewalk abutting thereon to become and remain out of repair, so as to become dangerous and unsafe for passage upon and over.

Section 34: It shall be unlawful for any person to dig or excavate any street or alley for the purpose of laying any gas or water pipe without first having obtained the written permission of Board of Public Works.

Section 35: It shall be unlawful to connect any pipe of any stove, or other heating apparatus, to any chimney or flue, unless such flue or pipe is inside of brick, stone or stove.

Section 36: It shall be unlawful for any person to place, any hay, straw or other combustible substance within fifteen feet of any place where fire is kept; or to use a lighted candle or lamp in the department of any building where hay or straw is kept, unless the same be secured in a glass lantern.

Section 37: It shall be unlawful for any person not a member of the fire department, to personate a fireman or officer at a fire, or in going to or returning from an alarm of fire

Section 38: It shall be unlawful for any person to place or keep ashes in any barrel, box or other wooded vessel, or on any wooded floor of any building.

Section 39: All scaffolds erected in this city for use in the construction of buildings, shall be well and safely supported and of sufficient width and properly secured so as to insure the safety of persons working thereon or passing under or by the same to prevent the falling thereof or of any materials that may be used, placed or deposited thereon; any scaffold which may be otherwise erected shall be deemed a nuisance; and any person who shall erect, or use, or cause to be erected or used any scaffold contrary to the provisions hereof, shall be subject to the penalty hereinafter provided, and to a like fine, for every day the same shall remain after notice to remove.

Section 40: It shall be unlawful to permit chickens, turkeys, or ducks to run at large within the corporate limits of the city of Fort Wayne.

Section 41: It shall be unlawful for any person to keep or maintain any coop in which chickens, ducks or turkeys are kept, within a distance less than fifty feet from any dwelling.

Section 42: It shall be unlawful for any person to keep within the limits of the city, more than two hives of bees upon any one lot at a time, and said hives must not be nearer than fifty feet to any street, or twenty feet to any alley, or division line between lots or parts of lots of another.

Section 43: It shall be unlawful for any person to interrupt any funeral procession or funeral assembly or to break into or drive any horse or conveyance through any funeral procession. Cases of emergency excepted.

Section 44: It shall be unlawful for any person in this city to falsely represent himself to be

an officer of the city or shall without being duly authorized, exercise or attempt to exercise any of the duties, functions or power of said officers.

Section 45: It shall be unlawful for any person or persons to convey, or transport, over any of the streets in said city, which may have been, or shall hereafter be macadamized, or paved with stone or other material, any dirt, earth, gravel, manure, chips or shavings, or other loose materials, unless the wagon, or other vehicle, containing such materials, has a box with a tight bottom, with the ends thereof closed so as to prevent said materials, or any of them, from falling upon such pavement.

Section 46: It shall be unlawful for any person to carry, or haul, upon, along or over any street or alley of the city any slops, manure or filth, unless it is contained in a tight or closed box or vehicle, so that the same cannot fall upon any such highway, or be offensive to the inhabitants of said city.

Section 47: It shall be unlawful for any person to idle or loiter in any public place, park, shed, car, car shop, out-house, street, alley, railroad depot, switch-house, or place where intoxicating liquors are sold within this city.

Section 48: It shall be unlawful for any person to be lying or sleeping in, along or upon any public street, alley, park, or other public place, or in any stable, out-house, building, warehouse, shed, railroad depot, or railroad car, in or about any yard, mill, or manufactory in said city, without having the permission of the owner or occupant thereof to so sleep or be in such place.

Section 49: It shall be unlawful for any person having the reputation of, or being known as, a confidence man, thief or felon, to be found in any shed, car, car-shop, out-house or railroad depot, or to be found pressing, forcing or elbowing his way into any crowd or collection of people; or to interfere or attempt to interfere with the free passage of any

person or persons, upon or along any street, sidewalk, or alley, or to be found in any public place unable to give a satisfactory account of himself, within the City of Fort Wayne.

Section 50: It shall be unlawful for any Company or band of gypsies, or any number of persons travelling from place to place, and who make a practice of encamping in the open air, to encamp any where within the City of Fort Wayne.

Section 51: Any person violating any provision of this Ordinance upon conviction shall be fined in any sum not exceeding one hundred dollars. ($100.)

Section 52: All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

Section 53: This Ordinance to be in full force and effect from and after its passage, approval by Mayor and legal publication.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 14th day of November, 1899.

Approved November 18th 1899.
Henry P. Scherer
Mayor

Attest
Henry B. Morris
City Clerk

General Ordinance No 141.

An Ordinance annexing to the corporate limits of the city of Fort Wayne, the contiguous territory lying south of the city limits east of Walton Avenue and North of Pontiac street extended east;

Section 1; Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that all the following described contiguous territory be annexed and become a part of said city.
Commencing at the point where the center line of Walton Avenue intersects the center line of Wayne Trace, thence south east along the center line of Wayne Trace to the center line of Fletcher Avenue extended south, thence south to a point equal distance from Walton Avenue on the center line of Creighton Avenue extended east, thence south with the center line of Euclid Avenue and Euclid Avenue extended south to the center line of Pontiac street, thence west with the center line of Pontiac street to the center line of Walton Avenue, thence north on the center line of Walton Avenue to the place of beginning.
All of said territory being situated in Allen County, Indiana, and lying directly contiguous to the present limits of said City.

Section 2; This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 28th day of November, 1899.

Approved December 2nd 1899.
Henry P. Scherer
Mayor

Attest
Henry B. Monning
City Clerk

General Ordinance No. 45

Declared by An Ordinance requiring the Lake Shore and Michigan
Southern Railroad Company, to erect and maintain
gates at the intersection of the Lake Shore and
Michigan Southern Railroad and Main street:

- - Preamble - -

Whereas, West Main street is one of the principal streets that extends east and west through the City and the main thoroughfare to Lindenwood Cemetery, and

Whereas, the point where said street crosses the Lake Shore and Michigan Southern Railroad is so located that the use of it by the public without gates being erected and maintained is extremely dangerous, therefore:

Section 1: Be it enacted by the Common Council of the City of Fort Wayne, that it shall be the duty of the Lake Shore and Michigan Southern Railroad Company to erect and maintain safety gates on each side of their tracks where the same crosses Main street in the City of Fort Wayne, within forty five (45) days after the passage of this Ordinance. Said gates to be such as are in general use by said Company at other crossings where gates are erected and maintained.

Section 2: A reliable and competent man shall be employed to operate said gates when erected, who shall be and remain at his post of duty from six o'clock A. M. till nine o'clock P. M. of each and every day when trains are running, except when relieved by some other competent and reliable person.

Published in the Fort Wayne Journal Gazette Dec 4 & 11 - 1899

Section 3: If the said Lake Shore and Michigan Southern Rail Road fails or neglects to erect and maintain said safety gates as and within the time as above provided, it shall be fined the sum of ten ($10.) dollars on complaint of any citizen of said City filed before the Mayor of the City and every day said crossing is allowed to remain

unprotected and without said gates properly erected and maintained after the expiration of time as specified above, shall be deemed as seperate offence.

Section 4; It shall be the duty of the Superintendent of Police to serve notice of the passage of this Ordinance on some Officer or agent of said railroad above named, and make return of said service to the City Clerk; but failure to serve said notice shall not be construed to release said Company from the express provisions thereof, when the same has been published according to law.

Section 5; This Ordinance shall be in full force and effect on and after its passage, approval by Mayor and legal publication.

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 28th day of November, 1899,

Approved December 2nd 1899.
Henry V. Schmitt

Attest
Henry B. Morrison
City Clerk

General Ordinance No 146.

Entered in Journal

An Ordinance authorizing the Board of Public Works to contract with the "Dixon Garbage Creamatory Company to build new garbage retorts and repair old ones.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, that the Board of Public Works is hereby authorized to contract with the Dixon Garbage Creamatory Company, to build new garbage retorts and repair old ones for $3000. Said contract hereby authorized to be made to be the one submitted by the "Dixon Garbage Creamatory Company." with the following obligations of the Contractor added.— to furnish all labor and material that may be necessary to put old retorts of old Creamatory in first class condition and to the satisfaction of the Board of Public Works, and also to provide against unpaid claims or liens for unpaid labor or material.

Section 2: This ordinance to be in full force and effect on and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 12th day of December, 1899.

Approved December, 16th 1899.

Henry P. Richter
Mayor

attest
Henry B. Morning
City Clerk

General Ordinance No. 147.

Passed by McMahon

An Ordinance regulating the use of Streets and Alleys.

Section 1: It shall be unlawful for any person or persons to obstruct any street in the city while building with any material whatsoever, for a space exceeding 15 feet, measuring from the outside of the curb to the center of the street, and in no case shall the gutters be so obstructed as to prevent the free passage along the same.

Section 2: It shall be unlawful for any person or persons to encumber or obstruct or cause to be encumbered or obstructed any street, alley or public place in the city, by placing therein or thereon any shrubbery, rubbish, chips, refuse, trimmings of trees or shrubbery, except as provided in the fore-going section.

Section 3: The Mayor, Superintendant of Police, Board of Public Works or any officer of the city, is hereby authorized to order any rubbish, chips, refuse, trimmings of trees or shrubbery, article or thing, whatsoever, which may encumber or obstruct any Streets, alleys, or other public places within the city, to be removed, and if such article or thing shall not be removed within five hours after notice to the owner or person in charge thereof to remove the same, or if the owner cannot be found for the purpose of such notice, to cause the same to be removed to some suitable place to be designated by the Board of Public Works, and the owner of any article so removed shall be subject to forfeit and pay a penalty of five dollars ($5.00) in addition to the cost of such removal.

Section 4: No wagon, sled, sleigh or vehicle of any kind without horses, (bicycles and tricycles excepted) shall be permitted to remain or stand in any street or alley, for more than one hour, except when so standing for the purpose of being repaired, and then only in front of the premises of the person repairing the same, and for a period of time not longer than three (3) hours.

Section 5: It shall be unlawful for any person, except the employees of the street repairing department or the contractors for street improvement, to feed, or to place any trough for feeding or watering draft animals in the streets, alleys or public places of this city.

Section 6: No person shall erect or place any building in whole or in part upon any street, alley, sidewalk or other public ground within said city.

The owner of any building, fence, porch, steps, gallery or other obstruction, now standing or which may be hereafter erected or placed upon any street, alley, sidewalk or other public place in the city, or which has been left upon any new street that has been or may hereafter be opened, shall remove the same within such reasonable time not exceeding thirty or less than five days, as he shall be required to do by written notice from the Board of Public Works, and upon failure of such owner to comply with such notices, he shall be liable to the penalty hereinafter provided.

Section 7: Whenever from any cause any street or alley in the city shall be obstructed by a press of teams attached to vehicles loaded or otherwise, the Mayor, Superintendent of Police, any member of the Police Force or any Councilman, may give such directions in regard to the removal of such teams and vehicles, as in the opinion of such officer may be necessary or required for public convenience. And any person or persons refusing or neglecting to obey such directions, shall be subject to the penalty hereinafter provided.

Section 8: No person shall hinder or obstruct the making or repairing of any public improvement or work ordered by the Common Council or by the Board of Public Works.

Section 9: It shall be the duty of each and every railway or railroad company, whose tracks are laid across any of the streets of said

city, to place safety gates or flagmen at any such crossings of said streets, by such trains whenever the Common Council shall by ordinance duly passed declare the same necessary for public safety, and the said company shall erect safety gates as such ordinance may declare necessary within thirty days from the passage of such ordinance.

Section 10: For the better protection of the paved and macadamized streets, alleys or other thoroughfares of the city, no vehicle of any description with felloes and tires less than three inches in width shall be permitted to be drawn or pass over any such street, alley or thoroughfare with a greater burden than three thousand pounds weight, and no vehicle of any description with felloes and tires less than four inches in width shall be permitted to be drawn or pass over such paved or macadamized streets, alleys or ways with a greater burden than sixty hundred weight.

Section 11: No person shall dress any stone or prepare any material for building in the streets or alleys of the city which can be prepared elsewhere.

Section 12: No person or persons shall, between the hours of eight (8) o'clock A. M. and six thirty (6.30) P. M. of each and every day, drive along any public street or alley of said city, more than twenty five (25) head of cattle at any one time.

Section 13: Any person or persons employed in paving or repaving any street, alley or other public thoroughfare in the city, shall place proper obstructions or barricades across said streets or thoroughfares for the purpose of protecting work in course of construction, and preserving the pavement until the same is fit for use, leaving at all times, a sufficient passage for pedestrians; and no person or persons shall, without written consent of the Board of Public Works, throw down, displace or remove any such obstruction or barricade.

Section 14: Nothing contained in the foregoing section shall be construed to authorize any person or persons to stop up or obstruct more than the space of one block and one intersection at the same time in any one street, or to keep the same stopped or obstructed for more than two days after the roadway is finished.

Section 15: No person shall make a stand or stopping place within any street or alley in the city for the purpose of exhibiting for sale, or for the purpose of selling or offering for sale any horses, mules, or cattle, or any wagon, carriage or other vehicle drawn by either of the animals aforesaid.

Section 16: All lamps or lamp posts which have been heretofore erected and used as signs, and all illuminated clocks which have been erected on the outer edge of sidewalks, and which are in actual use, and which are kept in running order at the expense of the owner and regulated so as to indicate the correct time, may be allowed to remain, subject to be removed at any time by order of the Board of Public Works.

Section 17: Drinking Fountains made of Iron, may be erected on the outer edge of sidewalks, at such points and places as the Board of Public Works may deem advisable in their judgement for convenience of the general public.

Section 18: It shall be the duty of every person or persons engaged in digging down any street, in paving any street, building any sewer or drain, or trench for water or gas pipes, in any of the public streets or thoroughfares, under contract with the corporation of this city, made through either or any of the departments of the said corporation, or by virtue of any permission which may have been granted to them by the Common Council, or any department, or either of them, where such work, if left exposed, would be dangerous to passengers, to erect a fence or railing at

such excavation or work, in such manner as to prevent danger to passengers who may be travelling such streets or thoroughfares, and to continue and uphold the said railing or fence until the work shall be completed or the obstruction removed. And it shall also be the duty of such person or persons to place upon such railing or fence at twilight in the evening, suitable and sufficient red lights, and keep them burning through the night during the entire performance of the work.

Section 19: The provisions of the proceeding section shall apply to every person who shall place building materials in any of the public streets or thoroughfare, or be engaged in building any vault or constructing any lateral drain from any cellar to any sewer, or who shall do or perform any work causing obstruction in the public streets or thoroughfares, by virtue of any permit from any executive department; and also to all public or corporation officers engaged in performing any work in behalf of the City, whereby obstructions or excavations shall be made in said streets and thoroughfares.

Section 20: The extent to which such fence or railing shall be built in the several cases, is hereby defined as follows, to-wit:

1. In digging down any street or thoroughfare, by placing same along the upper bank of such excavation, or by extending the fence so far across the street, and at each alley, as to prevent persons from travelling on such portion as would be dangerous.

2: In paving any street or thoroughfare, by extending it across the carriage-way of such street or thoroughfare and at each alley; or, if but a portion of the width of such carriage-way be obstructed, across such portion, in which case the obstruction shall be so arranged as to leave a passage way through, as nearly as may be of uniform width.

3: In the building of a sewer, by placing it across the carriageway, at the ends of such excavations as shall be made, and at each alley.

4: In building vaults, by enclosing the ground taken from the vault.

5: In placing building materials in the streets, by placing it across so much of the street as shall be occupied by such materials; and the material shall be so placed as to occupy a space of uniform width, except brick or stone piled solid at least seven feet high. In all cases sufficient red lights are to be kept placed upon such building materials, fences or railings and kept burning during the night, as provided by the preceding sections.

Section 21: In all cases where any person or persons shall perform any of the work mentioned in the preceding sections, either under contract of the city or by virtue of permission obtained from the Board of Public Works or any other department of the city government, such person shall be answerable for any and all damage that may be occasioned to persons, animals and property, by reason of carelessness in any manner connected with said work.

Section 22: It shall be unlawful for any person to herd together or to maintain any kind of cattle, horses, swine, or sheep in any street, alley, or public place in the city.

Section 23: It shall be the duty of owners of sprinkling carts to have the sprinkling attachment made so that they will discharge such minute streams as to so lay the dust and not make mud and deluge the streets with water.

Section 24: It shall be unlawful for any person in charge of a sprinkling cart to turn such vehicle around on any cross walk or to allow any discharge of water thereon; or to wilfully annoy any passerby or to injure any goods, wares or merchandise by wilfully sprinkling the same.

Section 25: The following ordinance is hereby repealed:— Chapter 48, Revised Ordinance of the city of Fort Wayne, Approved March 11, 1887, and all the amendments to any section thereof. Likewise any and all other ordinance or parts of ordinances in conflict therewith.

Section 26: This ordinance to be in full force and effect on and after its passage, approval by Mayor, and legal publication.

Section 27: Any person violating any of the provisions of this ordinance shall upon conviction be fined in any sum not less than one dollar ($1.00) nor more than one hundred dollars ($100.)

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 9th day of January, 1900.

Published in the Ft Wayne Sentinel Jan 13 & 20 1900

Attest
Henry B. Morrison
C.T.C.

Approved January
Henry C. Zetler

General Ordinance No 148.

Introduced by J. J. O'Ryan

An Ordinance regulating the speed of horses drawing trucks, drays and other vehicles on Calhoun street between the Pittsburgh Fort Wayne and Chicago Railroad and the New York, Chicago and St Louis Railroad, also from the New York, Chicago and St. Louis Railroad north to Superior street west on Superior street to Wells street, north on Wells street to Cass street and north on Cass street to First street, and providing a penalty.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, that it shall be unlawful for any person to drive any horse or horses drawing any dray, truck, ice wagon, log-wagon, sprinkling wagon moving van, baggage wagon, express-wagon or delivery wagon or any other wagon carrying a heavy load or designed to carry a heavy load, over and along Calhoun street between the Pittsburgh, Fort Wayne and Chicago Railroad and the New York, Chicago, and St. Louis Railroad, also from the New York, Chicago and St. Louis Railroad, north to Superior street, west on Superior street to Wells street, north on Wells street to Cass street and north on Cass street to First street in the city of Fort Wayne, at a speed greater than a walk between the hours of 6'30 A. M and 7' P. M. It shall likewise be unlawful for any person to run any street car over and along Calhoun street between the Pittsburgh, Fort Wayne and Chicago railroad and the New York, Chicago and St Louis railroad also north to Superior street, west on Superior street to Wells street, north on Wells street to Cass street, north on Cass street to First street, at a greater speed than eight (8) miles per hour.

Section 2: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3: Any person violating any of the provisions of this ordinance upon conviction shall be fined in any sum not exceeding $50.

Section 4: This ordinance to be in full force and effect on and after its passage and approval by the Mayor and legal publication.

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 9th day of January, [illegible]

Attest-
Henry B. Morning
City Clerk.

I will not approve Ordinance No 148. My reason is that the enforcement of it materially interfere with the business interests of the city, especially, parties engaged in the wholesale business. I believe that an ordinance limiting the rates of speed to six miles an hour to some of the conveyances mentioned in the ordinance, would be more acceptable to the general public, and would meet with a more general approval. There are parts of it to which I have no objection, but as a whole, I will not approve it.

January 18th 1900. [illegible]

On motion by Councilmans O'Ryan the Mayors Veto was sustained by the following vote.

Yeas. 13 Bauer, Buhr, Eckert, Ehrman, Gerding, Haaag, Hosey, W Mahon, O'Ryan, Scheid, Schuhler, Schwartz, Zurbuch.

Nays 4 Clark, Heuch, Lennart, Miller.

General Ordinance No 149.

Introduced by S. McMahon

An Ordinance regulating the construction and uses of sidewalks within the corporate limits of the city of Fort Wayne.

Section 1: All sidewalks on Calhoun street from the New York, Chicago and St Louis R.R. to the Pittsburgh, Fort Wayne and Chicago R.R; Columbia and Main streets from Harrison to Barr; Berry from Calhoun to Clinton streets, and Court street, shall be constructed of sound flagging stone, and no other material shall be used on such street for such purposes, except by express order of the Board of Public Works.

Section 2: The grade for sidewalks shall be given by the City Civil Engineer under the supervision of the Board of Public Works, and when once a grade for an improvement is approved by said Board of Public Works, the same shall be the established grade.

When any person shall build or assist in building any sidewalk when no grade has been established, or without first obtaining a grade therefor, from the City Civil Engineer, or who shall build or assist in building any sidewalk contrary to any grade which may be hereafter established by the Board of Public Works, or contrary to any of the provisions of this ordinance, he shall in either case be subject to a forfeit and pay ten dollars for every day of such offense, and a like forfeiture and payment for every day he shall fail to remove and re-construct the same after notice by the Board of Public Works.

Published in Ft Wayne Sentinel Jan 27th Feb 5

Section 3: No cellar doors shall rise or project above the sidewalk; nor shall the hinges thereof or any other thing connected therewith, project or rise above the door, or shall any staple, lock or any other fastening be placed upon the upper side thereof.

Section 4: All awnings shall be constructed of cloth and the frames shall be elevated at least

eight feet and certain seven feet at the lowest part thereof above the sidewalk, and shall not project over the same to exceed three quarters of the width thereof. They shall be supported without posts, by iron brackets or by an iron frame work attached firmly to the building, so as to leave the sidewalk entirely unobstructed thereby. All awnings heretofore erected contrary to the provisions of this section, shall be removed by the owner thereof by three days notice from the Superintendent of Police, for such owner to remove the same. And if such owner shall fail or refuse to comply with such notice, he shall be subject to the penalty hereinafter provided.

Sec. no 5 Repealed by General ordinance No 319

Section 5: No person or persons, receiving or delivering goods, wares or merchandise, shall place or keep upon or shall suffer to be placed or kept upon such side-walk in the city, any goods, wares or merchandise, which he or they shall be receiving or delivering, without leaving a passage way clear for pedestrians of not less than six (6) feet in width, and no person or persons receiving or delivering such goods shall suffer the same to be or remain upon such sidewalk for longer than five (5) hours.

Section 6: No person or persons, whether licensed as an auctioneer or not, shall sell or attempt to sell, or shall cry for sale at public auction in the city, any goods, chattels or personal property whatever, to any person or persons, so as to collect a crowd of people upon the streets or sidewalks of the city, whereby the free passage thereof of any person or persons is prevented or hindered.

Section 7: No person shall ride, drive, lead, push or draw back any horse, wagon, cart or other vehicle over any sidewalk, or use, ride or drive any horse, wagon, sled or sleigh thereon, except at public or private crossings, Provided, That whenever from want of an alley adjacent to any lot

or part of lot, there be no convenient access thereto, otherwise than by crossing such sidewalk, it shall be lawful for the owner or occupant of such lot or part of lot, or for any person in his employ, to drive on or over such sidewalk for the purpose of discharging any bulky or needful article on such lot or part of lot, and also to ride, lead or drive any animal or vehicle, as aforesaid, for the purpose of entering upon such lot or part of lot, if only at the place where such riding, leading or driving shall be done, said sidewalk shall have been paved with flagstone or brick set upon edge so that such riding or driving shall not be injurious to such sidewalk. It shall also be lawful for livery stable keepers, lumbermen, and other such persons, or their employes and whose ordinary business may require, to make such crossing with such animal or vehicle, if such sidewalk, at the placed to be crossed, shall first have been paved as aforesaid, and if, moreover, the movement of foot passengers thereon be not impeded.

Section 8: All crosswalks shall be kept and reserved free from any sleighs, wagons, carts or carriages, and horses or other animals, being placed or suffered to stand thereon, except so far as may be necessary in crossing the same: and the owner of any sleigh, wagon, cart or other carriage, or horse or other animal, offending herein, shall be subject to the penalty herein prescribed.

Section 9: It shall be unlawful for any person or persons to throw material of any kind upon any sidewalk in the city while building, erecting or repairing any building or place, fronting upon the same or bordering thereon.

Section 10: All shade or ornamental trees shall be planted on a line two (2) feet inside of the outer line of the sidewalk; and if any trees shall have been heretofore planted within or without the line established, at the time the same were set out, or shall hereafter

be planted in violation of this ordinance, the Board of Public Works shall have the power in their discretion to cause the same to be taken up and set out. Provided, That in no case shall such discretion be excercised unless such trees form a material obstruction to the street or sidewalk, nor unless the season shall be favorable for transplanting the same.

Section 11: All trees kept, maintained or cultivated in any of the streets or public places of the city, shall have the limbs cut close to the trunk and in such a manner that the boughs and branches thereof shall not be less than nine feet above the ground; and it shall not be lawful to keep, maintain or cultivate trees in any of the streets or public places of the city, except in the manner provided in this Ordinance; and any person who shall fail to comply herewith, after three days notice from the Board of Public Works, shall be liable to the penalty hereinafter provided.

Section 12: Any person who shall keep or leave open any cellar door or grating of any coal hole, vault or area on any highway or sidewalk, or suffer the same to be kept or left open, or who shall suffer any sidewalk adjoining his premises to become or continue so broken as to endanger life or limb, shall be subject to the penalty hereinafter provided.

Section 13: It shall be the duty of all policemen to take note of all defects in sidewalks and when out of repair, notify the Board of Public Works.

Section 14: From and after the first day of May until the first day of October, of each and every year, it shall not be lawful for any person or persons, to wash, or cause to be washed, any pavement, or window upon the line of such pavement, with a hose or street washer, or by throwing or dashing water against and

upon the same, between the hours of seven o'clock in the morning and seven o'clock in the evening. And all dirt, dust and rubbish must be kept off from all sidewalks by seven-thirty in the morning of each and every day.

Section 15: Every owner or occupant of any house or other building, and the owner or proprietor, lessee or person entitled to possession of any vacant lot, and every person having charge of any church, jail, public hall or other public building in the city, shall, during the winter season and during the time snow shall continue on the ground by nine o'clock on each and every morning, clean the sidewalk in front of such house or building, and in front of such lot, from snow or ice, and keep it conveniently free thereof during the day; and shall also, at all times, keep such sidewalks clear from all dirt and filth, or other obstructions or incumbrances, so as to allow citizens to use the said sidewalks in an easy and comonodious manner.

Section 16; It shall be the duty of all policemen and other city officers, in case of accident, to report the same to the City Attorney, together with the names of any witnesses to said accident if known to them, at once in writing.

Section 17: Sidewalks shall be constructed so as to incline upwards from the outer edge one inch in every three feet, and no part of said sidewalk shall be taken for private use, by lowering or cutting down the same next to the building, or railing off the same by any wooden or iron railing or by shutting off the public from passing along and over the same, and such sidewalk shall not be raised up next to any building by constructing any platform on the same, of either wood, iron or stone, but such sidewalk shall be built flush up to the building, on a uniform grade, as herein provided.

Section 18: No boiler, steam shaft, furnace or steam pipe, or cesspool, shall be constructed or located for use, and no explosive substance or inflammable oil or substance shall be stored or kept for any purpose under any sidewalk in the city; and no excavation, when permitted, shall be ventilated into the street, unless the aperture or ventilating hole or opening shall be securely covered, as herein provided.

Section 19: Whenever the owner or occupant of any premises in the city, shall be notified by the Board of Public Works or by someone acting under the supervision of said Board of Public Works, to raise, lower or re-lay or repair any sidewalk bordering on any premises owned or occupied by him, it shall be the duty of such owner or occupant to cause such improvement to be made within the time specified in such notice and in the manner to be directed by the Board of Public Works. If any such owner or occupant shall neglect or refuse to comply with any such requirement, he shall be subject to the penalty hereinafter provided.

Section 20: It shall be unlawful for any person to construct or maintain or cause to be constructed or maintained, any portico, porch, door, window, steps or fence, which shall project into or over any street alley or sidewalk in such manner as to obstruct free passage along or over the same.

Section 21: It shall be unlawful for any person to place or keep or allow to be placed or kept any pot, jar, or box of plants or flowers in or upon the window sill of any building touching or coming near to the street line of any public street in the city of Fort Wayne, above the first story there of without having such pots, jars or boxes protected from falling into or upon the sidewalk of said streets, by strong wire or iron guards securely fastened to the outer casing of such windows.

Section 22: It shall be unlawful for any person to saw or split fire wood on any sidewalk of this city or cause or permit the same to be done.

Section 23: It shall be unlawful for the owner or occupant of any building to cause the pipes conducting water from the eaves of such building, to be so constructed as to spurt water over the adjoining sidewalk.

Section 24: It shall be unlawful to clean or scale fish, or to do anything that might tend to be a nuisance in or upon any street, alley or public place in this city.

Section 25: The following ordinance is hereby repealed: - Chapter 45, Revised Ordinances of the city of Fort Wayne, approved March 11, 1887, and all the amendments to any section thereof, Likewise any and all other ordinances or parts of ordinances in conflict therewith.

Section 26: This ordinance to be in full force and effect on and after its passage, approval by Mayor and legal publication.

Section 27: Any person violating any of the provisions of this ordinance shall, upon conviction, be fined in any sum not less than one dollar ($1.00) nor more than one hundred dollars ($100.)

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 23rd day of January, 1900

Approved January 26th, 1900.

Henry T. Scherer
Mayor

Attest
Henry B. Morning.
City Clerk.

General Ordinance No 150.

An Ordinance regulating the construction of vaults.

Advanced by Sims.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, That each and every tenament house, factory, dwelling house, shop, hotel and occupied building shall be furnished with a suitable privy, the vault of which shall be one which shall sink under ground at least four feet deep, and walled up with brick, stone or other metallic substance which shall be water tight; and said privy shall at all times be kept so as not to cause unwholesome, noxious or offensive smells.

Section 2: The Board of Health, upon being satisfied that any tenament house, factory, shop, dwelling house, hotel, building, hereinbefore mentioned, is not provided with a suitable privy, and having declared so, shall cause a written or printed notice to be given the owner or agent if found within the city, (if not, then the lessee or occupant); and if within ten days, such privy be not constructed, shall cause complaint to be made for violation of this ordinance, and each and every days failure to comply with such notice shall be deemed a distinct offence, and as such punished.

Published in Ft. Wayne Sentinel Ex: 3710 00

Section 3: All privies constructed of insufficient materials or in unsuitable places, or in an insufficient and inadequate manner, or suffered to become too full, or to emit noxious or offensive smells, shall be deemed a nuisance, if injurious to health, comfort or convenience. Any owner, occupant or lessee of premises whereon the same is situated, shall be liable to the penalty herein provided for constructing, suffering, or maintaining the same.

Section 4: The contents of any privy shall not be deposited at any place other than that designated by the Board of Health.

Section 5; Nothing herein contained shall be construed as applying to houses, factories, stores, shops or buildings furnished with a cleanly and proper water closet, properly connected with a sewer or watercourse; nor shall anything herein be construed as repealing any ordinance heretofore established concerning Privies and nuisances.

Section 6; This ordinance shall be in full force and effect from and after its passage, approval by Mayor and legal publication.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 23rd day of January, 1900.

Approved January 26th 1900

Attest
Henry B. Morning
City Clerk.

General Ordinance No 151.

An Ordinance regulating the use of Bridges within the corporate limits of the City of Fort Wayne, and providing a penalty for the violation of the same.

Approved by Mayor

Section 1: No person shall drive, ride or lead any horse, horses or other animal or animals, over or upon any public bridge within the corporate limits of the city, faster than a walk.

Section 2: No person or persons shall drive or assist in driving on or across any of the bridges within the limits of the city, to exceed eigh (8) head of cattle or horses at any one time in a drove.

Section 3: It shall be unlawful for any person or persons to unnecessarily or wilfully remain or stop with a team or teams of horses, oxen, wagon, sleigh, sled or any other vehicle whatever, upon the bridges in the City of Fort Wayne, or in or upon the approach of such bridges.

Section 4: It shall be the duty of all drivers or persons in charge of any wagon, dray, cart or vehicle of any kind to keep to the right when crossing the bridges of said city.

Published in the Fort Wayne Sentinel Feb 3rd 10

Section 5: No person shall cut, deface or in any manner cut, mutilate the railing, floor or any part of such bridge or bridges, or of any appurtenances thereto, or commit any nuisance on or from such bridge or bridges.

Section 6: The following ordinance is hereby repealed, to-wit:- Chapter 9 of the Revised Ordinances of the City of Fort Wayne, Approved March, 11th, 1887.

Section 7: Any person or persons violating any provision of this Ordinance shall upon Conviction, be fined in any sum not less than one dollar ($1.00) nor more than fifty dollars ($50.)

Section 8: This ordinance to be in full force and effect from and after its passage, approval by Mayor and legal publication.

Done at the council chamber in the city of Fort Wayne Indiana, this the 23rd day of January, 1900.

Approved January 26th 1900.

Attest
Henry B. Morning
City Clerk

General Ordinance No 152.

An Ordinance requiring the city Bacteriologist to make Weekly tests of water supply of the city.

Section 1: Be it enacted by the Common Council of the city of Fort Wayne, that it shall be the duty of the city Bacteriologist to make weekly tests of the Water supply of the City of Fort Wayne, for the purpose of ascertaining its purity. That for the purpose of such test, water shall be taken from hydrants in different parts of the city and a record of the same be kept in the office of the Board of Health.

Section 2: This ordinance to be in full force and effect on and after its passage, approval by Mayor and legal publication.

Done at the Council Chamber, in the city of Fort Wayne, Indiana this the 27th day of February, 1900

Approved March 3rd 1900
Henry P. Schiere

Attest
Henry B. Mommer
City

General Ordinance No 153

Introduced by G. R. Heuch

An Ordinance directing and requiring the use of the Union Label of the international Typographical Union of North America, or subordinate body, the Allied Printing Trades Council, of the city of Fort Wayne, on all printed matter, blank books, etc., To be used by the city of Fort Wayne, Indiana, and requiring all city publications to be made in papers employing printers belonging to said Typographical Union, or said subordinate body, The Allied Printing Trades Council.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, that all printing used and ordered by the City of Fort Wayne, shall bear the imprint of the recognized Union Label of the Allied Printing Trades Council of Fort Wayne, Indiana.

Section 2: That all advertising of said city of Fort Wayne required by law to be published in any newspaper in the city of Fort Wayne, Indiana, shall be published in, and the contract for publishing the same, shall be let to some newspaper employing members of said International Typographical Union and Allied Printing Trades Council, and authorized by said Allied Printing Trades Council to use the label and imprint of said Allied Printing Trades Council.

Section 3: All bids may be rejected if deemed to high by the Board of Public Works and if the bidders are deemed irresponsible by said Board, and all printing shall be let to the lowest and best bidder, subject to the rules and regulations hereinbefore specified.

Section 4: This ordinance to be in full force and effect on and after its passage and approval by Mayor.

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 13th day of March 1900.

Attest
Henry B. Morning
City Clerk

Approved March 17th 1900
Henry C. Schmidt
Mayor

General Ordinance No 154

Introduced by John D. O'Ryan Pres. Public Works

An Ordinance confirming and approving a certain agreement and contract, made and entered into, by and between the city of Fort Wayne, through its Board of Public Works, and the New York, Chicago and St Louis Railroad Company.

Whereas, The Board of Public Works of the city of Fort Wayne, State of Indiana, for and on behalf of the city of Fort Wayne, has entered into an agreement and contract with the New York, Chicago and St Louis Railroad Company, a copy of which contract and agreement is a follows.

Agreement.

This Agreement, Made this 13th day of March, 1900, by and between the Board of Public Works, of the city of Fort Wayne, Indiana, acting for and on behalf of the said city of Fort Wayne, party of the first part, and the New York, Chicago and St Louis Railroad Company, party of the second part, witnesseth that:

Whereas, said party of the first part contemplates and is about to enter upon the construction of an intercepting sewer according to the plans and specifications therefor, now on file in the office of the city Civil Engineer of said city, and,

Whereas, It is proposed and contemplated to use and occupy a portion of the lands, premises and right of way of said party of the second part for the construction, use occupancy and maintenance of said sewer, and,

Whereas, Said party of the first part is desirous of obtaining the right to so enter upon, use and occupy said portion of said premises, lands and right of way of said Railroad Company, as aforesaid, without being compelled to resort to legal process to condemn said premises in order to procure and obtain said right and privilege.

Now, Therefore, It is hereby covenanted and agreed by and between the parties hereto that the said New York, Chicago and St Louis Railroad Company, party of the second part, shall and does hereby grant and convey unto the said City of Fort Wayne the right, permission and privilege to enter upon use and occupy such part and portion of the said land and right of way of the said party of the second part, necessary and proper for the construction and maintenance of said sewer according in all respects to said plans and specifications and not otherwise, but the land to be used shall in no event exceed Five (5) feet upon each side of the center line of said sewer, as determined in Exhibit A; attached to this contract, reference to which said plans and specifications is hereby made for greater particularity; and to construct thereupon said sewer as aforesaid and hereafter use and maintain the same.

Now, Therefore, In consideration of the granting of the aforesaid rights and privileges as aforesaid and the grant by the New York, Chicago and St Louis Railroad Company to the City of Fort Wayne of the right and privilege to enter upon and forever use and occupy a portion of the premises, property and right of way of said Railroad Company for the construction and maintenance of an intercepting sewer as now contemplated by said city.

It Is Further Agreed by and between the parties that,

1st The said sewer shall be constructed over, under and upon the lands and premises of said Railroad Company in all respects according to the plans and specifications therefor now on file in the office of the City Civil Engineer of said City, and shall be located upon and occupy such part of the premises and right of way of said Railroad Company as is specified in the said plans and specifications, and not otherwise.

2nd That in and about the construction of said sewer not more than one hundred feet in length thereof shall be kept open at any one time and such opening shall be thoroughly protected at all times, in such manner as shall be directed by the Civil Engineer of said Railroad Company.

3rd. That said City shall pay all cost of removing and replacing any and all telegraph poles and lines and any other construction or obstruction upon the right of way or premisis of said Railroad Company which may be required to be removed.

4th. That said sewer shall be so constructed and maintained that it shall not during the construction thereof interfere with the usual movement of trains upon the tracks of the party of the second part, and shall in no other way interfere further than is necessary with the use by said party of the second part of its right of way and premises, and shall not after completion, interfere with the use of the entire right of way by said party of the second part for track or other purposes.

5th. That if at any time said Railroad Company shall lay additional tracks that in any manner interfere with free access to the man-holes of said sewer, either because of such tracks or necessary embankments extending over such man-holes, then said City shall build such man-holes up to a sufficient height and properly protect them, and if necessary re-arrange them without cost or expense to said Railroad Company.

6th. That said City shall construct a proper catch basin near the crossing of said sewer with the Tenth Ward sewer in such manner as that the right of way of said Railroad Company south of its tracks can be drained into such catch basin, and thereby allow said Railroad Company to abandon and fill up a culvert now existing near said point.

7th. That said City shall and will at all times save and hold said Railroad Company free and harmless from all loss, liability or damages to any person, whether in the employ of said Railroad Company or City, or not; and from all damages to property whether that of the said Railroad Company or other person or corporation, which shall occur or result in any manner at any time growing out or by reason of the construction or maintenance of said sewer, and

8th. That said City shall at all times keep and maintain said sewer in proper and safe condition and repair.

The center line of said sewer as located and proposed to be constructed is particularly set forth and described in "Exhibit A" hereto attached and made a part hereof.

Provided Always, that this agreement is upon the express condition that the same shall not take effect nor become operative until after such time as the said City of Fort Wayne, by its Common Council, shall have ratified approved and confirmed the same by an ordinance duly passed and in effect to the acceptance of the said Railroad Company.

In Witness Whereof, the parties hereto have hereunto set their names the day and year first above written.

Peter Eggeman
P. H. Kane
J. K. McKracken
Board of Public Works of the
City of Fort Wayne, Indiana.
New York, Chicago & St Louis Railroad Company
by J. H. H. Ledniff
President.

And Whereas, Said contract has been duly submitted by the said Board of Public Works to the Common Council of the City of Fort Wayne for its action thereon, therefore,

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, that the said contract and agreement, entered into by the City of Fort Wayne, by and through the Board of Public Works of said City, and the New York, Chicago and St Louis Railroad Company, by and through its proper officers, as fully set out in the preamble hereto, be and the same is hereby, in all things confirmed and approved.

Section 2: This ordinance is to be in full force and effect on and after its passage.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 13th day of March, 1900.

Approved March 17th 1900.

Henry P. Scheele
Mayor

Attest
Henry B Morning
City Clerk

General Ordinance No 155,

Introduced by Councilmen J. E. Wynn, J. F. Zurbuch and A. M. Clark

An Ordinance authorizing the Fort Wayne Gas Company, successors to the Salamonie Mining Gas Company, to charge and receive the same price for gas that it has been charging and receiving under and by virtue of an ordinance passed January 24th 1889, entitled, An Ordinance to amend Sections 4, 8, and 11, of an ordinance granting the Salamonie Mining Gas Company, the right and privilege to lay and operate gas pipes in the City of Fort Wayne, for the period of three years from the 1st day of April, 1900, and other matters connected therewith.

Whereas, The Common Council of the City of Fort Wayne, did on the 20th day of November, 1888, grant a franchise to the Salamonie Mining Gas Company, to lay and operate gas pipes in the City of Fort Wayne, for the period of ten years, at a schedule of prices in said franchise authorized and allowed, and

Whereas, By the terms of said franchise the Common Council at the expiration of said term is authorized to modify, change and revise the schedule of prices charged consumers for gas, conditioned that said charge so fixed, should at no time yield to said company its successors and assigns, a gross sum less than fifteen per cent. (15%) of the construction capital of the plant, and

Whereas, Said term of years expired December, 1899, and

Whereas, By the report of the experts, it is clearly manifest that no material reduction of the prices charged can be made, and continue within the terms of the original contract, if any additional investments are made by the Company, and

Whereas, The said Company promises and agrees that if the old prices be allowed to stand for a period of three years, it, the Fort Wayne Gas Company will make an expenditure of $140.000.00 the first year, and $60,000.00 each year thereafter, in the way of new wells, new pipe lines in the fields, a new pumping station at Mollie, Indiana, new high pressure lines in the City of Fort Wayne,

new distributing lines over the city, and that it will use every effort possible and every device and appliance known to the business in the endeavor to furnish the city with a sufficient and proper amount of gas.

Now therefore, in consideration that the said Company will use every effort possible to bring to the City of Fort Wayne, a proper and sufficient amount of gas, by the investment of large sums of money in new wells, additional pipe lines in the fields, additional high pressure lines in the city, putting down larger distributing pipes to better the service, building a new pumping station at Mollie, Indiana, to be used in the operation of the plant, and use and employ every means in its power to bring natural gas into the city in sufficient and proper quantities during the coming three years, if it can be done for that lenghth of time.

Section 1: Be it enacted by the Common Council of the City of Fort Wayne, that for the period of three years from the 1st day of April, 1900, the Fort Wayne Gas Company is authorized to charge and receive the prices now charged and received under and by the terms of Section 11 of an ordinance entitled "An Ordinance to amend Sections 4-8 and 11 of an ordinance granting the Salamonie Mining Gas Company the right and privilege to lay and operate gas pipes in the City," provided however that at the expiration of said period of three years, the Common Council shall have the power to exercise all the rights and privileges conferred upon said Council by Section 13 of the original franchise granted the Salamonie Mining Gas Company as to modifying, changing, lowering or revising the rates authorized and allowed for natural gas by said Company, its successors and assigns.
And until said Council does so exercise such rights and privileges as therein provided, the provisions of the entire original contract with the Salamonie Mining Gas Company, and the amendments thereto, shall be in force and binding upon the Fort Wayne Gas Company, its successors and assigns.

Section 2: The said Fort Wayne Gas Company shall within the year ending April 1st, 1901, invest in pumping stations, new wells, additional pipe lines in the fields, in high pressure and distributing lines in different parts of the city and in other improvements in preamble of this ordinance set out, the sum of $140.000 — likewise not less than Sixty Thousand Dollars for each of the remaining years of said term, and as much more as the necessity of the case may demand. That all of the money herein required to be expended by said company must be so applied that the improvement made thereby will inure exclusively to the benefit of the supply and distribution of gas to the City of Fort Wayne. That the said Company shall file with the Council on the first day of April, 1901, an itemized statement of the improvements made, together with the costs.

Section 3: It shall be the duty of the said Gas Company to furnish to each one of its consumers, a sufficient and proper amount of gas, and in accordance with his contract with said Company. Whenever from any cause, aside from the acts of the consumer himself, the said Company fails to furnish to any consumer, the said natural gas in the manner and quantities hereinbefore provided, then said Company shall pay a rebate in money to such consumer having been without a sufficient supply, and not in accordance with his said contract.

The rebate to be paid by said Company to said consumer shall bear the same proportion to the monthly charge as the length of time of insufficient supply during any one month is to the entire month. It shall be the duty of the said Fort Wayne Gas Company, its successors and assigns, to furnish each of its consumers, printed blanks upon which said consumer may notify said Company of any insufficient supply, and the length of time thereof; provided, however, that said consumer claiming a rebate, shall be required to present his claim and demand his rebate at the end of the month or within ten days thereafter, in which such insufficient supply occurred.

Section 4: It is understood and so intended that the said Fort Wayne Gas Company, its successors and assigns, by the acceptance of this ordinance, is not released from any duties, obligations, limitations, restrictions or forfeitures that are provided for in the original franchise, and the amendments thereto; but all additional duties herein imposed are supplemental to those provided for in the original act, and the amendments thereto.

Section 5: The Fort Wayne Gas Company, upon the written acceptance of this ordinance, shall execute to the City of Fort Wayne, a bond in the penal sum of Fifty Thousand Dollars. ($50.000.00) to be approved by the Mayor; conditioned that said Company, will within the next year, commencing April 1st, 1900, invest $140.000.00 in a pumping stations, additional lines in the gas fields, in high pressure and distributing lines in different parts of the City, in new wells and in other improvements of the plant that will facilitate bringing to Fort Wayne a sufficient and proper amount of natural gas. Also that said Company will likewise invest at least Sixty Thousand Dollars. ($60.000.00) a year for the second two years. It is understood and intended that the said Fort Wayne Gas Company by the acceptance of this ordinance agrees that the amount of said Bond in case of failure on the part of said Company to invest the said amount of money as in this ordinance provided, shall be paid by said Company as liquidated damages.

Section 6: This ordinance to be in full force and effect on and after its passage and upon the written acceptance of the same and filing bond, by the Fort Wayne Gas Company.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 27th day of March, 1900.

Approved March 28th 1900.

Attest
Henry B. Morning.
City Clerk.

(over)

To the Mayor and Common Council

Gentlemen:

The Fort Wayne Gas Company, its successors and assigns hereby declare its acceptance of all the terms and conditions, of ordinance No. 155, and will be bound thereby.

Fort Wayne Gas Company
by Henry E. Paul
Asst to Prest,

March 28, 1870.

General Ordinance No 156.

An ordinance annexing to the city of Fort Wayne, contiguous territory lying south of the city limits, described as follows: Commencing on Pontiac street at a point in the east line of Smith street, extended south, running due south to a point in the middle line of Eckart street, extended east, thence due west on the middle line of Eckart street to Hanna street.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, that all the following described territory be annexed to become a part of the city of Fort Wayne: Commencing on Pontiac street at a point in the east line of Smith street, extended south, running due south to a point in the middle line of Eckart street, extended east, thence due west on the middle line of Eckart street to Hanna street, all of said territory being situated in Allen County, state of Indiana, and lying south of said city, and being contiguous to the present limits thereof.

Section 2: This ordinance to be in full force and effect from and after its passage, approval by Mayor and legal publication.

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 10th day of April, 1900.

Approved April 13th 1900.

Attest
Henry B. Morning
City Clerk.

General Ordinance No 157.

An Ordinance relating to Nuisances.

Ordained &c. &c. &c.

Section 1: Be it enacted by the Common Council of the City of Fort Wayne, that any person, company or corporation who shall own, keep or use any yard, pen, place or premises within the City of Fort Wayne, in or upon which, cattle, sheep or hogs are kept for slaughtering purposes, shall be required to keep them in such a manner as not to be offensive to those residing in the vicinity or an annoyance to the public, and upon a failure to so keep and maintain such yards, pens and places, said person, company or corporation shall be deemed guilty of maintaining a nuisance.

Section 2: Any person who shall carry on or occupy any distillery, slaughtering establishment, tannery, or establishment for steaming or rendering lard, tallow, offal, dead animals or other substances of like nature, within the limits of the City of Fort Wayne, or within the distance of two miles therefrom, without permission of the Board of Public Health, to be granted in the manner hereinafter provided, shall be deemed guilty of maintaining a nuisance, provided that as to such places already located and maintained, such permits are not required.

Published in the Ft. Wayne Sentinel April 28th & May 5th, 1866.

Section 3: Any person desirous of obtaining a permit under the provisions of this ordinance, shall make application therefor to the Board of Public Health in writing, stating the business he is desirous of pursuing and specifying the premises upon which the same is to be conducted. If such application shall be granted, the applicant shall be thereupon required to enter upon a bond with one or more sureties, to be approved by the Mayor, in the penal sum of not less than one hundred dollars ($100.) nor more than two thousand dollars ($2000.), conditioned that such applicant will faithfully comply with all the requirements of this ordinance, and such other ordinance or ordinances which may hereafter be passed by the Common Council on this subject; and upon the execution and delivery of said bond, it shall be the duty of the Comptroller to issue a

license to the applicant under the corporate seal. The license issued shall be subject to revocation by the Mayor upon recommendation of the Board of Public Health.

Section 4: No person obtaining a license for any business, employment or purpose mentioned in the preceding section, or conducting or carrying on any such business or employment within the limits of the city or within a distance of two miles therefrom, shall place, cause or permit to be placed, or permit or suffer to remain on his premises as aforesaid, any blood, bones, offal, filth, still slops or other offensive matter for a longer period than twenty four hours at any one time from the first day of March to the first day of November in any year, or exceeding forty eight hours during any other part of the year. Every such person shall at all times, keep his premises in a clean, healthy and inoffensive condition.

Section 5: No distiller, tanner, butcher, pork and beef packer, soap boiler, tallow chandler, dyer, livery stable keeper or other person whatever, shall cause or suffer any offal, manure, rubbish, filth, still slops or any refuse, animal or vegetable matter, or any flow from any premises, owned or occupied by him or to be thrown into, deposited or left in any pond, hole or water course within the jurisdiction of the city, or in or upon any street, alley, public square, vacant lot or river bank, within said city.

Section 6: No person shall permit or suffer any substance of the nature mentioned in the preceding section, which is liable to become putrid or offensive, or injurious to the public health, to remain on any premises owned or occupied by him, for a longer period than twenty four hours at any one time of any year, but the same shall be removed and disposed of in a way that may not be offensive to the public.

Section 7: No person shall steam, boil or in any way render any offal tainted or damaged lard or tallow or steam or render any animal substance in such a manner as to cause an offensive smell,

or which will by undergoing such process so taint the air as to render it unwholesome and offensive to smell, within the limits of the city of Fort Wayne, or within the distance of two miles therefrom.

Section 8: No owner or occupant of any shop, soap factory, distillery, tannery, livery stable, cattle or other shed, barn, packing house, slaughtering house or rendering establishment, shall suffer the same to become noxious, foul or offensive.

Section 9: No person shall allow any green or salted hides to remain on any street, side walk or other place within this city, longer than one (1) hour.

Section 10: The keeper of any livery or other stable, shall keep the stable and stable yard clean and shall not permit from the first of April to the first of November, more than two (2) cart loads of manure to accumulate in or near the same at any one time.

Section 11: Any cart, wagon, or other vehicle used or intended to be used for the purpose of conveying swill, offal, garbage, excrement, ordure or night soil, shall be perfectly tight and covered so as to prevent the contents thereof from leaking or spilling, and such cart, wagon or other vehicle when not in use, shall not be allowed to stand in any highway, street, alley, lane, public place or square.

Section 12: For the purpose of carrying the foregoing provisions into effect, it shall be the duty of the Board of Public Health and of all members of the Police Force, to ascertain from time to time, all violations of this ordinance, and to report the same to the City attorney for prosecution; and for this purpose, they shall be permitted at all times, to visit or enter into or upon any building, lot or grounds, within the limits of said city, or within the distance of two miles therefrom, and make examination thereof.

Section 13: In all cases where a nuisance shall be found in any building, or upon any ground, or other premises within the limits of said city, or within the distance of two miles therefrom, not more than twenty four hours and not less than five hours notice shall be given in writing, signed by the Board of Health or by any member thereof, to the owner or occupant of such building or other premises where he is known and can be found, to remove such nuisance and in case of refusal or neglect to abate the same in accordance with such notice, the Board of Health shall remove the same or cause it to be removed, and the expenses which may be incurred in the removal thereof, shall be reported to the Board of Public Works, giving a discription of the lots or other premises liable therefor, and the amount for which each is chargeable. The Board of Public Works shall thereupon assess the said expenses by resolutions, upon such lots, respectively. If such expense is due and owing to any third part, the Board of Public Works shall provide such person with a copy of the assessment made, and shall be enforced by the party owning the assessment in the same manner that street and sewer assessments are enforced. If the city has paid the expenses of such removal out of the general fund or any special fund, said city shall recover the amount so paid out together with costs by an action of foreclosure of said assessment lien in the same manner that other street and sewer assessments are collected, under the law governing cities of Fort Wayne's population.

Section 14: Any person violating any provision of this ordinance or failing, refusing, neglecting to comply with its mandates, shall upon conviction be fined in any sum not more than one hundred dollars or less than one dollar.

Section 15: That Chapter 30. Revised ordinances of the City of Fort Wayne, is hereby repealed as all other ordinances in conflict herewith.

Section 16: This ordinance to be in full force and effect on and after its passage approval by Mayor and legal publication.

Done at the Council Chamber in the City of Fort Wayne, Ind, this the 24th day of April. 1900.

Attest
Henry B. Morning. City Clerk.

Approved April 26th 1900.
Henry P. Scherer Mayor

General Ordinance No 158

Introduced by S E Hisler & Wm Zimmer

An Ordinance approving the Pittsburg Fort Wayne and Chicago Railroad Company to construct and maintain a tunnel under and across the right of way of the Pittsburg, Fort Wayne and Chicago Railroad with Walton Avenue.

Whereas, Walton Avenue, by reason of its location is now one of the principal north and south thoroughfares of the City of Fort Wayne,

And, Whereas, at the points of its intersection with the right of way of the Pittsburg Fort Wayne and Chicago Railroad, the grade of said avenue is at least ——— feet lower than the grade of the tracks of said Railroad Company,

And, Whereas, the difference of said grades is due to the fact that said Pittsburg, Fort Wayne and Chicago Railroad Company elevated the grade of its tracks above the grade of said Walton Avenue for its own purposes, and convenience,

And, Whereas, by reason of the existence of said different grades of said avenue and railroad, the said crossing is dangerous for public travel and use.

Therefore.

Published in the Ft Wayne Sentinel June 2nd & May 5th

Section 1: Be it enacted by the Common Council of the City of Fort Wayne, That the Pittsburgh, Fort Wayne and Chicago Railroad Company and the Pennsylvania Railroad Company be and are hereby ordered and required to maintain and construct a tunnel and approaches thereto under the tracks of the Pittsburg, Fort Wayne and Chicago Railroad at the intersection of said railroad with Walton Avenue. That said tunnel and approaches thereto shall be so constructed and maintained as to accommodate and protect all persons using such Avenue for any and all purposes authorized by law; that said tunnel shall be constructed and maintained the full width of said Walton Avenue, and as far as the work relates to the grade and safety of the avenue, the work shall be done under the supervision of the City Civil Engineer.

Section 2: It shall be the duty of the City Civil Engineer to prepare such plans and specifications for such work as may be required of him by

the said Railroad Companies or either of them. That said tunnel shall be commenced within sixty days after the passage of this ordinance and notice of the same served upon said railroad companies, by the city clerk and completed as soon thereafter as possible.

Section 2: This ordinance to be in full force and effect on and after its passage and approval by Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 24th day of April 1900.

Approved April 26th 1900

Henry P. S[illegible]

Mayor

Attest

Henry B. Morning

City Clerk

General Ordinance No 159.

Introduced by S. McMahon

An ordinance authorizing the employment of certain clerks, assistants and employes, fixing the compensation, salaries and wages of certain officers, clerks and employes in the city of Fort Wayne, Indiana, repealing conflicting ordinances and fixing the time when this ordinance shall take effect.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that the officers, clerks, assistants and employes of the city of Fort Wayne, Indiana, shall respectively receive the compensation salaries and wages as hereinafter in this ordinance provided:

The employment of such clerks and assistants as are hereinafter named is hereby authorized and the compensation and salaries of such clerks and assistants are hereby fixed at the sums and amounts respectively named for said clerks and assistants:

Section 2: The Mayor of the city of Fort Wayne, Indiana, shall receive a salary at the rate of Twenty five hundred dollars per annum.

The Comptroller of the city of Fort Wayne, Indiana, shall receive a salary at the rate of Two thousand dollars per annum.

The City Clerk of the city of Fort Wayne, Indiana, shall receive a salary at the rate of Fifteen hundred dollars per annum.

The City Attorney of the city of Fort Wayne, Indiana, shall receive a salary at the rate of Two thousand dollars per annum.

For the Department of Public Works:

The members of the Board of Public Works (3) shall each receive a salary at the rate of $1000.00 per annum.

The Chairman of the Board of Public Works shall receive a salary at the rate of $1100.00 per annum.

The Clerk of the Board of Public Works shall receive a salary at the rate of $1000.00 per annum.

The Stenographer shall receive a salary at the rate of Forty dollars per month.

The City Civil Engineer shall receive a salary at the rate of Two thousand dollars per annum.

The First Assistant City Civil Engineer shall receive a salary at the rate of One Hundred and Twenty five dollars per month.

The Second Assistant City Engineer shall receive a salary at the rate of Eighty five dollars per month.

The Superintendent of Street Repairs shall receive a salary at the rate of Seventy five dollars per month.

The Foreman of Street Repairs shall receive a salary at the rate of Sixty dollars per month.

The Janitor of the City Hall shall receive a salary at the rate of Fifty dollars per month.

The Assistant Janitor shall receive a salary at the rate of Thirty five dollars per month.

The Custodian of Parks shall receive a salary at the rate of Seventy dollars per month.

For the Department of Public Safety:

1st For the Markets.

The Marketmaster shall receive a salary at the rate of Twenty five dollars per month.

The City Pound master shall receive a salary at the rate of Forty five dollars per month and also perform duties as Special license officer.

The Weighmaster shall receive a Salary at the rate of Sixty dollars per month.

2nd For the Department of Police:

The Superintendent of Police shall receive a salary at the rate of $1320.00 per annum.

The Captain of Police shall receive a salary at the rate of $1020.00 per annum.

The Lieutenant of Police shall receive a salary at the rate of $900.00 per annum.

The Sergeants of Police shall each receive a salary at the rate of $860.00 per annum.

The Detective shall receive a salary at the rate of $700.00 per annum.

The Patrolmen shall receive a salary at the rate of $65.00 per month.

The Patrol drivers shall receive a salary at the rate of $60.00 per month.

The Station Clerks shall receive a salary at the rate of $45.00 per month.

The Electrician shall receive a salary at the rate of $40.00 per month.

The Humane officer shall receive a salary at the rate of $40.00 per month.

3rd For the Fire Department:

The Chief of the Fire Force shall receive a salary at the rate of $1320.00 per annum.

The Engineers shall receive a salary at the rate of $80.00 per month.

The Captains shall receive a salary at the rate of $70.00 per month.

The Electrician shall receive a salary at the rate of $50.00 per month.

The Firemen of "Class A" shall receive a salary at the rate of $65.00 per month.

The Firemen of "Class B." shall receive a salary at the rate of $60.00 per month.

The Firemen of "Class C" shall receive a salary at the rate of $55.00 per month.

The Telephone attendant at Engine House No. 1 shall receive a salary at the rate of $45.00 per month.

4th. For the Department of Public Health and Charity.

The City Bacteriologist shall receive a salary at the rate of Twelve hundred dollars per annum.

Three special sanitary Policemen shall receive a salary at the rate of $50.00 per month.

The Councilmen shall receive a salary at the rate of One Hundred and Fifty dollars per annum.

Section 3: The compensations, salaries and wages enumerated and provided for in the foregoing sections of this ordinance, also that of the Mayor and City Clerk shall be paid out of the funds of the City Treasury appropriated and to be appropriated for such purposes.

Said salaries to be paid at the expiration of each month during the time of service.

Section 4: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 26th day of June, 1900.

Attest
Henry B. Morning
City Clerk.

Approved June 30th 1900.
Wesley F. Schurel
Mayor

General Ordinance No 160.

An ordinance confirming and approving a certain agreement and contract made and entered into February, 27th, 1900 by and between the City of Fort Wayne through its Board of Public Works and J. H. Simonson, Louis J. Bobilya, Edward White, James. M. McKay, John W. White, Asahel S. Coverdale, Christian C. Schlatter, William Zeuke, Franklin P. Witt, William Kinough, Perry R. Smith, Henry S. Thayer, and John D. Olds.

Whereas, heretofore to wit; on February 27, 1900, the Board of Public Works, of the City of Fort Wayne, State of Indiana, on and in behalf of the City of Fort Wayne, entered into the following agreement and contract, namely;

Whereas, heretofore, to wit; on the 27th day of February 1900, the City of Fort Wayne by and through its Board of Public Works, entered into the following contract and agreement with the Indiana and Ohio Traction Company, namely;

Witnesseth: 1: This agreement made and entered into this 27th day of February, 1900, by and between the City of Fort Wayne, of Allen County, Indiana, (hereinafter called the city) by and through its Board of Public Works, party of the first part, and James. H. Simonson, Louis J. Bobilya, Edward White, James. M. McKay, John. W. White, Asahel S. Coverdale, Christian C. Schlatter, William Zeuke, Franklin P. Witt, William Kinough, Perry R. Smith, Henry S. Thayer, and John D. Olds, parties of the second part, witnesseth:

1: That the party of the first part by and through its Board of Public Works aforesaid, under and by virtue of the powers conferred upon it by an Act of the General Assembly of the State of Indiana, entitled "An Act concerning the incorporation and government of cities having a population of not less than thirty five thousand nor more than Forty nine thousand, according to the United States Census last preceding, and matters connected therewith,

and declaring an emergency," approved March 6th 1893, does hereby subject to the conditions herein expressed, authorize and empower the said Company, party of the second part, its successors and assigns, and by the terms of this contract consent, permission and authority are to the said City given and granted unto said Company, party of the second part, from and after the approval and ratification of this contract by an ordinance of the Common Council of the City, subject to the conditions hereinafter prescribed and expressed, to lay and maintain a single track for an interurban street passenger railway line, with the right to haul light express, mail and passenger baggage in connection therewith, to be operated by electricity or other improved power to be approved by said Board, with all proper and convenient turnouts, switches, feed wires and poles which may be necessary for the successful operation of a street railway system in, along and upon the streets and avenues of said City hereafter named and described, and to use, maintain and operate the same, and to charge, demand and receive from passengers, rates of fare as hereinafter provided, for and in consideration of and subject to the terms, conditions and limitations herein prescribed.

On Lake Avenue from Nelton Avenue to the middle line of St Joe Boulevard.

On St Joe Boulevard from Lake Avenue to the East end of the Maumee River Bridge.

On Maumee Bridge from the East end to the West end thereof.

On Columbia Street from the West end of Maumee Bridge to Harrison Street.

On Harrison Street South to Pearl Street.

On Pearl Street to Fulton Street.

On Fulton Street to Brackenridge Street.

On Brackenridge Street to Fairfield Avenue.

On Fairfield Avenue to Taylor Street.

On Taylor Street to Fox Avenue.

On Fox Avenue to Grace Avenue.

On Grace Avenue to Broadway.

On Broadway to the East end of St Marys River Bridge.

The streets and avenues herein named are intended to be streets and avenues heretofore and popularly known by the names herein mentioned, whether such names are in fact the legal designations of such streets and avenues or not:

The routes and lines of street railway so located as aforesaid, may be connected with suitable curves and switches, and feed wire lines may be erected along said route or elsewhere, subject in every case to the approval of the said Board of Public Works. In consideration of the rights and privileges herein and hereby granted to the said Company, party of the second part, its successors and assigns, upon the considerations herein fixed and expressed, that the said Company agrees and binds itself, its successors and assigns to the following conditions, to-wit:

2: It is agreed by and between the said parties that the said Company, party of the second part, may charge and be entitled to receive the following rates of fare and no more, for each passenger over the age of five (5) years, riding upon said company's cars within the limits herein described, and who shall have paid such fare, the sum of five cents. Such cash payment shall entitle such passenger to ride to the end of the line within the city on the car on which he has taken passage. Every passenger car run and operated by said Company, party of the second part, on said lines, shall be provided with a conductor, who shall collect fares and attend to the comforts and convenience of the passengers upon such car. Each of such conductors shall constantly have in their possession, an ample and adequate supply of tickets, to be sold and delivered to all passengers desiring the same, and said Company may charge and be entitled to receive for the same, the following rates, and no more: For Six (6) of such tickets, twenty five cents ($.25); for Twenty Five (25) of such tickets, One Dollar, ($1.00)

3: The said Company, party of the second part, its successors and assigns shall build and maintain at some point along the line of its said railroad within the corporate limits of the City, a station for unloading and loading express, baggage and mail; that said station shall be so located that the use of it by said Company, its successors and assigns will not interfere with the free use of the streets and avenues by the public; that party of the first part reserves the absolute right at all times to fix and provide such rules and regulations in the transfers and unloading of passengers, express, baggage and mail from the cars of said company as are necessary to insure the comfort, safety and convenience of the public.

4: The electric system used in the propulsion of said Company's cars shall be the over-head system now in use by other companies in the City, unless some other system shall be mutually agreed upon by and between the Board of Public Works and said Company, its successors and assigns. The entire system used by said party of the second part and all the means devices and apparatus used in the supply, application and use of its propelling power in all respects, which shall in any manner affect or endanger the safety of the public, shall at all times, be kept open to the inspection of and under the supervision of the Department of Public Safety of said City. As often as may be required by said Department of Public Safety, said party of the second part shall furnish to said department, a statement, showing the amount of electro-motive power used and the strength of current conveyed or used upon its wires; and said department shall at all times, have the right to inspect and test the same, and order and require any such changes therein as may be necessary to insure as far as possible the safety of the public or to prevent damage to any property, and all

damage to water pipes must be paid by said Company its successors and assigns.

5: The said Company its successors and assigns, party of the second part, shall pave the space between all rails, including the space between its tracks where there are Switches and for a distance of twelve (12) inches on the outside of the outside rails of its tracks, and shall make all necessary repairs in said space under specifications, both as to material and manner, as may be provided by the Board of Public Works, and shall repave the same when necessary and ordered by the said Board, and keep the same in repair, said paving and repairing to be done under specifications both as to material and manner, as may be provided by the said Board, under the supervision of the City Civil Engineer of said city; and said Company its successors and assigns shall also keep in repair that part of the floors of all bridges and culverts crossed by any of its tracks which is situated between the outer rails of said tracks, and for a distance of twelve inches on the outer side of such outer rails, and also the space between the tracks and switches where there are switches; and in case of failure on the part of said Company to make any such improvement and repairs as aforesaid, either to streets or avenues or bridges, as herein provided, upon reasonable notice by said Board, then the said Board of Public Works shall have the right to proceed to make any such improvements or repairs, and the cost of making the same shall be paid by said Company its successors and assigns to the City on demand, and the collection thereof enforced as any other valid debt. And it is also agreed by and between said parties that the party of the second part shall at all times, keep on deposit in the City Treasury to the credit of said Board of Public Works, the sum of One Hundred and Fifty Dollars ($150.) to be designated as an emergency fund. Whenever, in the opinion of said Board of Public Works, an emergency arises for the imediate repair of any dangerous defect found to exist in that part of any street, alley, avenue or public place required by this contract

to be kept in repair by said Company, and the said Company has failed on notice to immediately repair the same, the said Board shall cause said repair to be made at once, and if said Company shall not promptly pay the bill for the cost of such repairs, when made out and presented at the office of the said Company in said City, then said Board may draw the amount of such bill from said emergency fund, which fund shall be reimbursed by said Company without any delay and kept up to said amount of One Hundred and Fifty Dollars ($150.00) aforesaid.

This provision as to an emergency fund is in addition to all other provisions hereid contained on the subject of repairing streets and is not intended to modify or change any other provision or penalties of this contract concerning the same.

6. The said party of the second part agrees and binds itself, its successors and assigns to operate its interurban road over and along the streets and avenues herein designated in said City in such a manner as to render to the public at all times, first class and sufficient service.

7. That its motive power shall at all times be ample and of the approved kind; that its cars shall be of the best and approved pattern, and at all times kept clean, well ventilated, provided with comfortable seats for passengers and heated with safe and convenient appliances whenever the weather is such that the comfort of the passengers shall require the same, and lighted at night with electricity or with some other equally sufficient light; that all such cars shall be kept in good repair, and shall at all times be painted on the outside and decorated on the inside so as to present an attractive appearance, and shall be repainted and redecorated from time to time as may be necessary to maintain such appearance; that cars used in the operation of said railroad shall be designated as express and passenger cars; that the former are to be used exclusively for hauling light express, passenger baggage

and United States Mail, the latter for hauling passengers and baggage, light express and United States Mail combined; provided that trains consisting of more than one car shall not be run over said franchise in said City, unless two are especially authorized by the Board of Public Works, upon petition of party of the second part, its successors and assigns; That the tracks of said Company shall at all times be kept in repair, provided with the most modern pattern of grooved or flange rails of sufficient size and weight and in such condition that passengers riding in cars over the same will suffer no discomfiture or inconvenience by reason of such track or any part thereof being irregular or uneven, or in any wise insufficient, and the right is reserved to the Board of Public Works of said City to order any needed repairs to said tracks or roadbeds, or cars, or appliances of said Company, and party of the second part agrees to comply with such orders.

It is also agreed by and between the parties hereto that the said Company, party of the second part, at all times will run at least one (1) car each hour over its said lines within said City, between the hours of five (5) a.m. and twelve (12) P.M. of each day, unless by accident it becomes impossible to do so.

8. It is also agreed by and between the parties hereto, that said Company, party of the second part, its successors and assigns, shall permit the use of its tracks herein authorized to be laid and maintained by any City interurban or suburban passenger railway companies, whenever the Board of Public Works and Common Council of said City, party of the first part, by contract approved by ordinance, shall authorize it; provided that such use shall be upon such conditions as the Common Council and Board of Public Works may prescribe. As compensation to said Company, its successors and assigns, for the use of its said railroad, and the poles and wires thereto belonging, by any such City, interurban or suburban railroad companies, receiving a

franchise over the right of way of said second party, its successors and assigns from the said City of Fort Wayne, said Company, its successors and assigns, party of the second part, shall receive from each of said companies, one half (1/2) the actual cost of construction of such part of said line of road, as is used by such company, within said City. That the cost of maintaining streets and tracks in case of more than one person, company or corporation using said tracks, shall be paid in equal parts by said parties.

And provided further, that if said party of the second part, its successors and assigns, cannot furnish power to propel the cars of such City, interurban or suburban passenger roads, then in that event the said passenger lines authorized by said Board of Works and Common Council shall have a right to construct and maintain feed wires and poles of the said Company, party of the second part, its successors and assigns in said City of Fort Wayne, and the compensation for the use of the poles for the construction of such wires, is to be fixed as provided for the use of tracks; that the rails of said tracks on all streets and avenues, except on St. Joe Boulevard, the Maumee River Bridge and Columbia street from the west end of said bridge to the East line of Calhoun street, which shall be located in such part of said streets as designated by the Board of Public Works and approved by the Council, shall be placed in the middle of said streets and avenues, and in such manner that the outer rails will be equally distant from the curb of either side of the streets and avenues, unless otherwise directed by the Board of Public Works; thence upon an easy curve across Calhoun street and to the center of Columbia Street, thence on the center line of Columbia Street to the center of Harrison Street. On St. Joe Boulevard the track shall be laid on the Westerly side of the street, the Easterly rail to be placed twenty five (25) feet from the Easterly curb of said street until it approaches the

Manmee River Bridge; thence with an easy curve to tracks designated on said bridge. That the party of the first part reserves the right to require the said party of the second part, its successors and assigns, to remove its said tracks to any other part of said streets or avenues herein mentioned without any expense to said first party, and if upon written notice by said first party to the second party, its successors and assigns, to make any such change a refusal to do so, shall authorize the work to be done by said first party, the cost of making the removal shall be paid by said Company to the City on demand, and the collection thereof enforced as any other valid debt.

9. It is further agreed that the inside distance between the rails shall not exceed four feet, eight and one half inches (4'.8½") commonly known as the standard gauge; that the poles used for the purpose of stringing the necessary wires used for the operation of said interurban street railway, shall be iron on all streets and avenues herein mentioned, from Tecumseh Street to Taylor Street and Fox Avenue. In case the said Company, party of the second part, its successors and assigns, should fail to comply with any of the foregoing agreements and stipulations concerning the motive power kind of cars to be used, of painting, decorations, heating, lighting, rails or road bed, or any other stipulation contained herein concerning the operation, maintenance or construction of its lines of said railway, and the Board of Public Works shall by written notice served on any officer of said Company, require compliance with any such stipulation within a reasonable time therein fixed, and said Company shall continue to fail and refuse, after any such period so fixed, to comply with any such provision, then said Company shall forfeit to the City the sum of Ten Dollars ($10.) for each and every day that it shall continue to violate

any such provision or stipulation, which sum may be collected in a suit on the bond hereinafter required to be given by said Company, or otherwise, as said Board of Public Works may elect; provided, that nothing contained herein shall be construed as an attempt to in any wise abridge or restrict the power of the Common Council of said City to enact reasonable ordinances providing for the safety, comfort and convenience of the public traveling on lines of street railway in said City, also providing reasonable penalties for the violation thereof.

10. In further consideration of the grant herein and hereby made, and in part payment therefor, the said Company, party of the second part, its successors and assigns, agrees and binds themselves to pay to the City of Fort Wayne, party of the first part, the following amount annually, during the life of this contract; without compensation for the first five years, Two Hundred and fifty ($250.00) Dollars annually for the second five years, and for the remainder of the term, Five Hundred ($500.00) Dollars per year.

11. It is agreed by and between the parties hereto, that one of the principal compensations of this grant is the promise, agreement and undertaking of the party of the second part to build an interurban street railway line over and along the public highways of the country from Hicksville, Ohio, through the City of Fort Wayne, to Marion, Indiana; that before any rights or privileges in the way of locating tracks or operating its said line in said City, shall vest in said Company, said Company shall have constructed that part of its intended line either from Hicksville to the limits of said City, or from the town of Marion to the limits of the City.

12. The said party of the second part further agrees and binds itself, its successors and assigns, to keep and hold said City free and

harmless from all liability for any and all damages that may accrue to any person or persons on account of injury to either person or property, growing out of the construction, improvement, maintenance and operation of said company's cars and railway system, under this contract, and in case suit shall be filed against said City, either independently or jointly with said company, on account thereof, said company upon notice to it by said City, will defend said City against said action, and in the event of a judgment being obtained either independently or jointly with said company, on account of the acts of the company aforesaid, the said company will pay said judgment, with all costs and hold the City harmless therefrom.

13. All poles, wires and fixtures used in and about said street railway plant over and along the streets and avenues herein mentioned, shall be so placed and maintained by the said party of the second part, as not to interfere with the reasonable and proper use of the streets and avenues, and shall be subject to the approval of the Board of Public Works. The tracks of said Company, party of the second part, shall not be elevated above the surface of said streets and avenues of said City, and the same shall be laid and maintained so as to conform with the established grade of said streets and avenues, as they shall from time to time exist, and in such manner as to be no unnecessary impediment to the ordinary use of such thoroughfares, and the passage of wagons, carriages and other vehicles upon or along such tracks at any point and in any and all directions; with suitable bridges at all gutters so as to permit the free and uninterrupted flow of water in and along said gutters.

The tracks and rails shall conform with the grades of the streets as now established or as may hereafter be established by the said City, and subject at all times to be taken up and relaid by the party of the second part, its successors and assigns, at its expense

whenever necessary for the purpose of regrading or paving or repairing said streets, constructing sewers, laying or repairing of water or gas pipes or any other public improvement. In case said rails or tracks shall not conform to the grade of the street as above provided, and the Board of Public Works shall notify the said Company, party of the second part, thereof, and the said Company, party of the second part, shall fail to do the necessary work of making such tracks and rails conform to any such grade within thirty (30) days from the time of receiving said notice, then the Board of Public Works shall have the right to enter upon said tracks and make said repairs or improvement, and charge the cost thereof to said party of the second part; and in case the said Company, party of the second part, fails to pay said expense within thirty (30) days after said Board has rendered a bill therefor, then the said City shall have a right of action to recover such amount against the said party of the second part, and the said Company, its successors and assigns, shall be liable upon its bond, which is hereinafter provided for, for any amount. And in case of such failure to pay any such bill, and suit is brought to recover the same, either on said bond or otherwise, then the said City shall be entitled to recover, in addition to the amount of the cost of said repair and improvement, reasonable attorney fees, provided however, that such notice shall not be given at times of year unsuitable for the doing of the work required, unless the condition of such track is such as to endanger the safety of passengers. Should it be necessary in the prosecution of any public work to temporarily stop the operation of cars, it may be done by order of the Board of Public Works, and in such case the party of the first part shall be held free from all claims for damages by reason of delay to the business or traffic of said party of the second part. But said party of the second part shall be required to operate its lines of street railway continuously unless prevented by so doing by act of God, accidents or other causes that cannot be reasonably prevented.

14. The said company, party of the second part, shall at all times so regulate the running of its cars as not to impede or obstruct public travel at intersections of streets, alleys, and avenues of said City, and its cars shall be stopped clear of cross streets.

It is also agreed in addition of any other penalties and forfeitures herein fixed and prescribed, that if the said company, party of the second part, its successors and assigns, should habitually, continually or continuously violate any of the provisions of this contract, or of the ordinance approving the same, or such other ordinance as may be passed by the Common Council of said City, then said company, its successors and assigns, shall forfeit all its rights, title and interest in or to the use and occupancy of the streets, alleys, avenues and highways of said City for street railroad purposes, and its contract and franchise for the same shall be at an end and subject to forfeiture.

It is also agreed by and between said parties that any improvement undertaken by or in the name of said City, or by any contractor for and with said City, for the improvement of any street, alley, avenue, sidewalk or crossing, or for the construction of any sewer or drain, or other public work, shall not be impeded by said company, party of the second part, its agents or employes; but said company, party of the second part, shall do all in its power to advance such improvement by the moving of its tracks and poles and relaying and replacing the same, when it becomes necessary, at its own cost, as hereinafter provided.
The said party of the first part shall protect the said company, party of the second part, as much as possible, by seeing that the contractor for any such public work does not intentionally, negligently or maliciously delay the same, to the detriment of the said company, party of the second part.

15. It is further agreed by and between the parties to this contract that all the rights hereby granted to the said company, party of the second part, to maintain and operate its interurban street railway line or any part

thereof in said City, shall continue for a period of fifty years from the taking effect of this contract, and all terms, conditions and covenants of this contract, shall be binding and conclusive for that period on both the parties hereto; but all such rights, conditions and covenants are hereby expressly limited to said period of fifty years, which period shall begin on the taking effect of this contract and end fifty years therefrom. This limitation of time is agreed to be one of the chief considerations for the grant hereby made, and the said party of the second part, recognizing and conceding that such limitation of time herein expressed, is one of the essential and governing conditions of this contract, does hereby bind itself, its successors and assigns, that at the expiration of said period, it will peaceably yeild possession of every part of every street and avenue in said City, then occupied by its lines of street railway, and cease the operation of its said railway plant and every part thereof, and from thence forward will make no claims of any kind, to exercise any right whatever under the grant herein made or under any charter or corporate rights, and any rights which might be claimed by said Company, party of the second part, or its successors or assigns, to hold beyond said period of time under the Statute under which it was incorporated.

16. The said Company, party of the second part, before exercising any of the rights and privileges hereby granted, shall execute to the City of Fort Wayne a good and sufficient bond in the sum of Ten Thousand Dollars ($10.000.00) with good and sufficient sureties to be approved by the said Board of Public Works, conditioned that the party of the second part, its successors and assigns, shall faithfully carry out and perform each and every agreement herein contained, and shall well and truly pay to said City all penalties, forfeitures and other sums of money which, under the terms of the contract it may become liable to said City, and said bond

shall be renewed from time to time during said period on the demand of the said Board of Public Works of said City, whenever, in the opinion of the Board of Public Works said bond has become insufficient for any reason whatever, or whenever by the insufficiency of the accumulation of unpaid penalties, forfeitures, judgment or other claims against said Company, in favor of said City, the said Board deems such renewal necessary.

And in case the said Company, its successors and assigns, party of the second part, shall on the reasonable demand of said Board fail or refuse to renew such bond or furnish such additional security thereon as may be required, then its rights under this contract shall cease, and the franchise herein granted be forfeited, which forfeiture may be enforced in any court of competent jurisdiction.

It is further agreed by and between the parties to this contract, that the express and mail cars used under this franchise, shall be of the same size and construction as a passenger car, except as to windows and inside finish. That on all streets and avenues herein authorized to be used, which are paved before such tracks are laid, the ties shall be laid upon a six inch bed of concrete extending to the ends of the ties and thereafter, whenever the streets on any part of the lines of said railway shall be paved, a like bed of concrete shall be placed under the ties for such distance as the said streets and avenues may be paved.

17. It is further agreed by and between said parties that said interurban railroad line is to be completed between the Towns of Hucksville, Ohio, and Huntington Indiana, through Fort Wayne, within Eighteen (18) months after the approval of this contract by the Council, or else all rights and privileges under the same is forfeited.

18. It is further agreed by and between the parties to this contract, their successors and assigns, that the said party of the first part herein reserves the ~~absolute~~ right to fix

to any person, company or corporation, a franchise for the purpose of constructing a city, interurban or suburban railroad, over the identical same right of way herein granted or any part thereof at any time prior to the actual occupancy of the same by second party, as authorized by section Eleven (11) of this Ordinance, conditioned, however, that said second party in case of such grant shall have the right to use such right of way upon the terms and conditions as to compensation as are provided for in section eight (8) of this franchise, when used by second and third parties; and upon the further conditions that said second party will construct and maintain its said interurban line between the points in the manner and within the time this ordinance provided, and when so built, that it will operate and maintain the same in accordance and in strict compliance with all the provisions of this ordinance.

In testimony whereof, we have hereunto set our hands and seals this 21st day of May, 1900.

J. H. Simonson
Louis J. Bobilya
Edward White
James, M, McKay
John W, White
A, S Coverdale
C C. Schlatter
Wm Geake
F. P. Wilt
Wm Kavanagh
Perry R. Smith by John D. Olds Attorney in fact
Henry L. Thayer by John D. Olds Attorney in fact
John D. Olds.

Peter Eggeman
P. H. Kane
J. K. McKracken
Board of Public Works

Attest
Wm. Schmidt.
Clerk

Approved May 21st 1900.

Section 1. Be it ordained by the Common Council of the City of Fort Wayne, Indiana, that the contract and agreement, heretofore, to wit: On February 27th, 1900, made and entered into by the City of Fort Wayne, by and through its Board of Public Works of the City, and the Indiana and Ohio Traction Company, by and through its organization committee, as fully set out in the preamble hereto, be and the same is hereby, in all things, confirmed and approved.

Section 2: This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 26th day of June, 1900.

Approved June 30th 1900.
Henry U. Schmitt
Mayor

Attest
Henry B. Morning
City Clerk

(Contract on File in office of Board of Public Work.)

General Ordinance No 161

Introduced by Wm J Lennox

An ordinance relating to the grading, planking and paving of streets and sidewalks at points where they are intersected and crossed by railroad tracks and prohibiting laying down or maintaining of railroad tracks along or crossing any street or alley without first obtaining the consent of the Board of Public Works.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, that it shall be the duty of each and all railroad companies, where their tracks intersect or cross, or may hereafter intersect or cross the streets, sidewalks or alleys of said city, to grade, plank or pave the streets and sidewalks or alleys at such crossings or intersections in the manner hereinafter designated.

Section 2: That at points where such track or tracks intersect or cross said streets, it shall be the duty of the railroad company owning or maintaining the same, to make the grade thereof, conform to the established grade of such street or streets and to pave the same with brick or lay down securely, strong, substantial planks between and on either side for Four (4) feet of such track or tracks and in such manner, that said planks or brick may extend the entire width of such street or streets; to be done and maintained in good repair in every case to the satisfaction of the Board of Public Works.

Section 3: It shall be the duty of the Superintendent of Police to serve notice upon any railroad company that is in default in complying with the provisions of this ordinance; which notice shall be served as it is provided by law, as summons in civil action shall be served upon railroad companies.

Section 4: If any railroad company shall fail, neglect or refuse to comply with the

requirements of the 2nd section of this ordinance within 20 days after the date of receiving the notice designated in the preceding section, they shall be deemed to be guilty of a violation of the provisions hereof; and for each day after the expiration of twenty (20) days, that they fail, neglect or refuse to pave or plank said crossings as provided in second section hereof, they shall be liable to a penalty of five dollars ($5.00) per day; such penalty shall be collected by action instituted by the City Attorney and tried before the Mayor of said city in the corporate name of said City of Fort Wayne.

Section 5: That it shall be unlawful for any railroad company to lay down any railroad track along or across any street or alley within the city limits, without first obtaining the consent of the Board of Public Works, and approved by the Council to lay such track.

Section 6: Any company or persons violating the provisions of Section Five (5) of this ordinance, shall be fined in any sum not exceeding One hundred ($100.00) dollars nor less than Ten ($10.) dollars for such offense; each day shall be a separate offense for the violation of the said fifth section of this ordinance.

Section 7: The superintendant of police and all other officers in the city's service shall arrest without process and bring before the Mayor, all persons, who in their presence and knowledge, have violated any of the provisions of section five (5) of this ordinance.

Section 8: This ordinance to be in full force and effect on and after its passage, approval by the Mayor and legal publication.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 14th day of August, 1900.

Approved August 18th 1900

Attest

Henry B. Manning City Clerk

Henry C. Schmitz Mayor.

General Ordinance No 162

An ordinance relative to the taxing of Dogs" and repealing General Ordinance No 35 relating to same subject matter.

Introduced by Wm. McMahon.

Section 1: Be it enacted by the Common Council of the City of Fort Wayne, that every person residing within the corporate limits of the City of Fort Wayne, owning, harboring, possessing or caring for any dog, on the first day of April of each year hereafter, shall pay to the city of Fort Wayne, the following taxes on each dog so owned, in the manner as hereinafter provided. For each male or female dog, one dollar. For every additional male or female dog, one dollar and a half. And the sum of two dollars for each female dog (unspayed) so owned harbored or cared for.

Section 2: It shall be the duty of the township assessor of the township included within the limits of the city of Fort Wayne at the time of assessing the property of each property holder of his township residing within the corporate limits of the city, to make diligent enquiry as to the number of dogs owned, harbored, kept or cared for by the person so assessed. Any such person so assessed shall pay to the said township assessor for the city of Fort Wayne, the sum of one dollar for each male or female dog; and the sum of one dollar and a half for each additional male or female dog. And the sum of two dollars for each female dog, (unspayed) so owned, harbored or cared for.

Section 3: The township assessor shall give to each person, a receipt for such money paid him, which shall be designated as city dog tax, which receipt shall show the persons name who owns, harbors or keeps a dog, the amount paid, and the number, description and kind of dog paid for, and whether male or female, and the number of each, which receipt shall relieve the person

or persons owning, keeping or harboring such dogs for the current year, extended one year from its date until the next regular township assessment. Such township assessor shall keep a record of the person or persons owning dogs and the record of the dogs paid for, and he shall keep a stub record or a copy of the receipts given by him for money paid him for dog taxes; Such stub record shall show the amount paid him, the number of dogs, both male and female, paid for, and the persons names owning the dogs so paid for. And he shall within five days after the completion of the assessment of his township, turn over to the comptroller of the city all the records kept by him relating to the collecting and payment of dog tax, and a copy of all receipts given by him to persons having paid him money as city dog tax, and all money received by him as city dog tax. The said township assessor as payment for services to city rendered shall receive 10% of the taxes collected, and to be paid by comptroller at the time and out of the money turned over to the said comptroller by said assessor.

Section 4; It shall be unlawful for any owner, possessor or person having in charge or care a fierce or dangerous dog, to permit or allow the same to go at large in said city, to the danger or annoyance of any of its inhabitants. And person who shall violate the provisions of this section of this ordinance, and having been once convicted shall continue to allow such dog to run at large upon the complaint made by any resident of said city, such dog shall be slain by the police authorities of said city.

Section 5; It shall be unlawful for the owner, possessor or harborer of any female dog, knowingly to permit her to run at large while in heat, and it shall be the duty of the police of said city to slay or

to be slain, any female dog running at large in the public streets at such time.

Section 6: It shall be unlawful for any person to own, keep or harbor any dog, which by loud and frequent barking, howling or yelping, shall cause disturbance to any citizen of said city.

Section 7: Whenever any danger shall be justly feared as likely to result from hydrophobia, the Mayor shall publish his proclamation requiring all persons owning or having in charge or keeping any dog or dogs, to confine them on their premises for a prescribed time, and any person who shall ommit to secure any dog owned or harbored or kept in charge by him, or shall allow such dog to escape or go from the premises shall be liable on conviction, to the punishment provided for in section 13 of this ordinance. During the time prescribed by the Mayors proclamation, any dog found running at large upon the public streets of said city, shall be forthwith slain.

Section 8: If any person shall harbor or keep, or have in his possession, any dog, male or female, that shall bite or fiercely attack any person, whatever, such animal, at the time of the biting or attack, not being within the owners enclosure, such person so harboring or keeping or having in charge such animal shall be liable, on conviction therefor to the punishment provided in section 13 of this ordinance. And if any person so convicted shall continue to harbor or keep or have in charge such animal within the limits of said city and said animal shall again bite or fiercely attack any person in the manner aforesaid, the person so harboring or keeping said animal shall, upon conviction thereof, be punished by fine of not less than fifteen dollars and not more than fifty dollars.

Section 9: Whenever affidavit shall be made before the Mayor of the city of Fort Wayne, that any dog has bitten a person in said city, and that person so bitten was not at the time, trespassing upon the person or property of the owner or possessor of said dog, the said Mayor shall issue an order directing the owner or possessor of said dog, to kill him within forty eight hours of receiving such order. The owner, possessor, keeper or the person having in charge any such dog, or who shall refuse or neglect to kill it within forty eight hours after ~~having~~ receiving such order, shall on conviction, be liable to the punishment provided in section 13 of this ordinance, and it shall be the duty of any police officer or the pound master to destroy said dog wherever he shall be found at large in said city forty eight hours after service of said order.

Section 10: Any property owner residing within the corporate limits of the city of Fort Wayne, who on the first day of April of any year hereafter, owns, harbors or has the care of any dog, male or female, refuses to pay the annual tax or taxes thereon to the township assessor as in this ordinance provided, shall upon conviction, be fined in any sum not to exceed five dollars ($5.00) and costs of prosecution.

Section 11: It shall be unlawful for any person to entice any dog away from the premises of the person owning, keeping or harboring the same; or to entice any dog from any street, alley or public place of this city with the intention of depriving the owner, keeper or person harboring the same of the possession thereof.

Section 12: It shall be unlawful to throw or deposit poison meat or any poison substance in any street, alley, market place, lot, or public place of this city, for the purpose of destroying any animal of the dog kind.

Section 13: Any person who shall violate any of the regulations, requirements or provisions of this ordinance shall be fined in any sum not exceeding twenty five dollars together with costs of prosecution.

Section 14: That general ordinance No. 35. approved the 10th day of July, 1895 is hereby repealed.

Section 15: This ordinance shall be in force and take effect from and after its passage, approval by Mayor and legal publication.

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 14th day of August, 1900.

Approved August 18th 1900.
Henry P. Scherer
Mayor

Attest
Henry B. Morning
City Clerk.

General Ordinance No 163

Introduced by
No [illegible] Term

An Ordinance making certain territory within the corporate limits of the city a part of the tenth ward.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that the following described territory be annexed to, and be made a part of the tenth ward of the city of Fort Wayne, Indiana, said territory being more particularly described as follows.

Commencing at the point where the center line of Walton Avenue intersects the center line of Wayne Trace, thence southeast along the center line of Wayne Trace to the center line of Fletcher Avenue extended south, thence south to a point equal distance from Walton Avenue on the center line of Creighton Avenue extended east, thence south with the center line of Euclid Avenue and Euclid Avenue extended south to the center line of Pontiac street, thence west with the center line of Pontiac street to the center line of Walton avenue, thence north on the center line of Walton avenue to the place of beginning.

All of said territory being situated in Allen County, Indiana, and having been annexed to said city November 14th 1899.

Section 2: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 14th day of August, 1900.

Approved August 18th 1900.

[illegible]
Mayor

Attest
Henry B. Morning
City Clerk

General Ordinance No 164

Introduced by B. B. [illegible]

An Ordinance making certain territory within the corporate limits of the city a part of the 10th Ward.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that the following described territory be annexed to, and be made a part of the 10th Ward of the city of Fort Wayne, Indiana, said territory being more particularly described as follows.

Commencing on Pontiac street at a point in the east line of Smith street extended south, running due south to a point in the middle of Eckart street extended east, thence due west on the middle line of Eckart street to Hanna street.

All of said territory being situated in Allen County, Indiana, and having been annexed to said city April 10th 1900.

Section 2: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 14th day of August, 1900.

Approved August 18th 1900
Henry U. Schreer
Mayor.

Attest
Henry B. Morning
City Clerk

General Ordinance No 165.

Introduced by J. W. McMahon

An Ordinance to repeal General Ordinance No 59. passed June 23, 1896 known as "Vehicle Ordinance.

Section 1: Be it ordained by the common council of the city of Fort Wayne, Indiana, that General Ordinance No. 59 passed June 23, 1896, and all amendments thereto be and the same are hereby repealed.

Section 2: This ordinance shall take effect from and after September 1st 1900.

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 11th day of September, 1900.

Approved September 15, 1900
Jesse C. Schoeff
Mayor

Attest
Henry B. Monning
City Clerk

General Ordinance No 166

Introduced by S McMahon

An ordinance fixing the tax levy for city purposes for the year 1900

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that a levy of ninety five (95) cents upon each $100.00 of assessed valuation of all the property within the corporate limits of the city of Fort Wayne, be made for the year 1900.

General purposes and Interest	.84¼ cents
Sinking Fund	.05 "
Anthony Wayne Monument Fund.	.00¼ "
Firemens Pension Fund.	.01 "
Municipal Electric Plant.	.04¼ "
Market Fund.	.00¼ "
Total	.95 cents

Amended Oct 9th 1900 See next page.

Section 2: That all of said taxes shall be collected by semiannual installments.

Section 3: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 25th day of September, 1900.

Approved September 29th 1900.
Henry P. Scherer
Mayor

Attest
Henry B. Monning
Ass't City Clerk

General Ordinance No 166

An Ordinance fixing the tax levy for city purposes for the year, 1900.

Introduced by Wm Morrison

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that a levy of Ninety five (.95) cents upon each $100.00 of assessed valuation of all the property within the corporate limits of the city of Fort Wayne, be made for the year, 1900, also that there shall be collected of each male inhabitant liable by law a poll tax of $2.00, all monies derived from said levy to be appropriated and used for the following purposes:

General purposes and Interest	.84¼ cents
Sinking fund	.05 "
Anthony Wayne Monument fund	.00¼ "
Firemens Pension fund	.01 "
Municipal Electric plant	.04¼ "
Market fund	.00¼ "
Total	.95 cents

Section 2: That all of said taxes shall be collected by semiannual installments.

Section 3: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 9th day of October, 1900.

Approved Oct 13th 1900

Henry R Jehnes
Mayor

Attest
Henry B. Morning
City Clerk

General Ordinance No 167

An ordinance regulating the appointment and duties of a city Weigh Master.

Ordinance

Section 1: Be it enacted by the Common Council of the city of Fort Wayne, Indiana, that it shall be the duty of the Board of Public Safety, to appoint a Weigh Master as provided by law governing cities which have a population of more than 35000 and less than 49000 inhabitants as shown by the last preceding United States census.

Before entering upon the duties of his said office, he shall file his bond with sureties to the satisfaction of the Mayor in the sum of one thousand dollars, conditioned for the faithful discharge of his official duties.

Section 2: It shall be the duty of the said weigh master to attend the hay, coal and wood market between the hours of seven (7) a.m. and dark of each day, and weigh all hay or coal that may be there offered for sale, measure all wood and weigh such other articles as the owners thereof may request.

Passed & adopted meeting
Ft Wayne
Sentinel
Dec 15 1902-1906

Section 3: It shall be unlawful to sell or offer for sale any coal, wood or hay at, upon or in any street, alley or public place in the city, except North Calhoun street north of Superior street, unless by order of the Board of Public Works; but nothing herein contained shall be intended to prevent the taking of orders for future deliverence.

Section 4: It shall be the duty of said city weigh master to weigh all hay or coal offered for sale at such market so as to determine the true weights of each load of hay or coal and for this purpose the owner or seller of such hay or coal shall allow said city weigh master to weigh any vehicle upon which hay or coal is loaded at such times as such weigh master shall deem proper for the protection of purchaser; and the weigh master shall collect from the owner or seller for each weighing of coal, hay or vehicle, the sum of ten

cents per draft; and he shall at the time deliver to the owner or seller a ticket, showing thereon the exact weight of the wagon and the exact weight of the hay or coal as the case may be, as well as the gross weight, and he shall sign and date the same.

Section 5: The city weigh master shall measure accurately every load of wood received for sale at such wood market and furnish to each owner or seller, a ticket, showing thereon the owners name, the date and number of cubic feet in each load, and he shall sign the same and collect from said owner the sum of five cents for each load so measured.

Section 6: It shall be the duty of said weigh master, once every week to pay into the city treasury for the use of said city, all monies collected by him as such weigh master. For such purpose he shall keep a receipt book giving to each person a receipt for all payments and he shall then preserve the stub showing the amount received, who from, the date and a true statement of the weights and measures.

Section 7: It shall be unlawful for any person to sell or offer for sale any moldy or unclean hay or offer to sell any hay in such manner as to deceive the purchaser as to quantity or quality.

Section 8: Any person selling wood, or offering wood for sale, within the city of Fort Wayne, who shall knowingly make any false representations as to the quantity or quality of wood contained in any load offered for sale with intent to defraud any person or persons, who may purchase the same; or, who shall fraudently so construct any load of wood which may be exposed for sale, as to conceal therein inferior or unsalable wood, and different from the parts of the load exposed to view, with intent to defraud any person or persons who may be the purchaser thereof; or who shall fraudulently resort to any other trick or artifice, concealment or misrepresentation, to deceive any purchaser, whether selling by the load or by the cord, and thereby defraud him or her, either as

to the quantity or quality of such wood, shall upon conviction thereof before the Mayor, be subject to the penalty hereinafter provided.

Section 9: Any person violating any provision of this ordinance shall forfeit and pay a fine of not more than fifty dollars.

Section 10: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 11: This ordinance to be in full force and effect on and after its passage, approval by Mayor and legal publication.

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 27th day of November 1900.

Approved December 1st 1900.

Henry P. Scherer
Mayor.

Attest
Henry B. Morning
City Clerk

General Ordinance No 168.

An Ordinance confirming and approving a certain agreement and contract, made and entered into this 27th day of November, 1900 by and between the city of Fort Wayne, through its Board of Public Works and George Townsend, William S. Reed and Charles C. Miller.

Whereas, heretofore to-wit on November 27th, 1900, the Board of Public Works of the city of Fort Wayne, State of Indiana, on and in behalf of the city of Fort Wayne entered into the following agreement and contract, Viz:

Whereas, heretofore to-wit on the 27th day of November 1900 the city of Fort Wayne, by and through its Board of Public Works entered into the following contract and agreement with George Townsend, William S. Reed and Charles C. Miller, Viz:

This Agreement, made and entered into this 27th day of November, 1900, by and between the city of Fort Wayne, Allen County, Indiana, (hereinafter called the city), by and through its Board of Public Works, party of the first part, and George Townsend, William S. Reed and Charles C. Miller, parties of the second part, witnesseth:

1. That the party of the first part by and through its Board of Public Works aforesaid, under and by virtue of the powers conferred upon it by an act of the General Assembly of the State of Indiana, entitled, "An Act concerning the incorporation and government of cities having a population of not less than thirty-five thousand nor more than forty-nine thousand, according to the United States census last preceding, and matters connected therewith, and declaring an emergency," approved March 6th 1893, does hereby subject to the conditions herein expressed, authorize and empower the said parties of the second part, their successors and assigns, and by the terms of this contract consent, permission and authority are by the said city given and granted unto said parties of the second part, their successors and assigns,

from and after the approval and ratification of this contract by an ordinance of the Common Council of the city, subject to the conditions hereinafter prescribed and expressed, to lay and maintain a single track for an interurban street passenger railway line, with the right to haul light express, mail and passenger baggage in connection therewith, to be operated by electricity or other improved power to be approved by said Board, with all proper and convenient turnouts, switches, feed wires and poles which may be necessary for the successful operation of a street railway system in, along and upon the streets and avenues of said city hereafter named and described, and to use, maintain and operate the same, and to charge, demand and receive from passengers, rates of fare as hereinafter provided, for and in consideration of and subject to the terms, conditions and limitations herein prescribed.

On Tavina avenue from south line of Hall avenue extended to north line of Taylor street extended.

On Taylor street from city limits to east line of Fairfield avenue.

On Fairfield avenue from south line of Taylor street extended north to north line of Brackenridge street.

On Brackenridge street from east line of Fairfield avenue extended to west line of Fulton street extended.

On Fulton street from south line of Brackenridge street to north line of Pearl street extended.

On Pearl street from west line of Fulton street extended to east line of Harrison street.

On Harrison street from north line of Pearl street extended to south line of Columbia street extended.

On Columbia street from west line of Harrison street to center of Calhoun street and to connection with tracks of other traction companies having tracks on Calhoun street or Columbia street, East of center of Calhoun street.

The streets and avenues herein named are intended to be streets and avenues heretofore and popularly known by the names herein mentioned, whether such names are in fact the legal designations of such streets and avenues or not.

The routes and lines of street railway so located as aforesaid may be connected with suitable curves and switches and feed wired lines may be erected along said route or elsewhere, subject in every case to the approval of the Board of Public Works.

In consideration of the rights and privileges herein and hereby granted to the said parties of the second part, their successors and assigns, upon the considerations herein fixed and expressed, that the said parties of the second part agree and bind themselves, their successors and assigns to the following conditions, to wit:

2: It is agreed by and between the said parties that the said parties of the second part, their successors and assigns, may charge and be entitled to receive the following rates of fare and no more for each passenger over the age of five (5) years riding upon said cars within the limits herein described, and who shall have paid cash fare, the sum of five cents. Such cash payment shall entitle such passenger to ride to the end of the line within the city on the car on which he has taken passage. Every passenger car run and operated by said parties of the second part, their successors and assigns, on said lines, shall be provided with a conductor, who shall collect fares and attend to the comforts and convenience of the passengers upon such cars. Each of such conductors shall constantly have in his possession an ample and adequate supply of tickets, to be sold and delivered to all passengers desiring the same, and said parties of the second part may charge and be entitled to receive for the same the following rates and no more: For six (6) of such tickets, twenty five cents (*.25); for twenty five (25) of such tickets, one dollar ($1.00).

3: The said parties of the second part, their successors and assigns shall build and maintain at some point along the line of their railroad within the corporate limits of the city a station for unloading and loading express, baggage and mail; that said station shall be so located that the use of it by said second parties, their successors and assigns will not interfere with the free use of the streets and avenues by the public;

that party of the first part reserves the absolute right at all times to fix and provide such rules and regulations in the transfer and unloading of passengers, express, baggage and mail from the cars of said second parties, their successors and assigns, as are necessary to insure the comfort safety and convenience of the public.

4. The electric system used in the propulsion of said cars shall be the overhead system now in use by other companies in the city, unless some other system shall be mutually agreed upon by and between the Board of Public Works and said second parties, their successors and assigns. The entire system used by said party of the second part and all the means, devices and apparatus used in the supply, application and use of its propelling power in all respects, which shall in any manner affect or endanger the safety of the public, shall at all times be kept open to the inspection of and under the supervision of the Department of Public Safety of said city. As often as may be required by said Department of Public Safety, said party of the second part shall furnish to said department a statement, showing the amount of electro-motive power used and the strength of current conveyed or used upon its wires; and said department shall at all times have the right to inspect and test the same, and order and require any such changes therein as may be necessary to insure as far as possible the safety of the public or to prevent damage to any property, and all damage to water pipes must be paid by said second parties their successors and assigns.

5. The said parties of the second part, their successors and assigns, shall pave the space between all rails, including the space between their tracks where there are switches and for a distance of twelve (12) inches on the outside of the outside rails of their tracks, and shall make all necessary repairs in said space under specifications, both as to material and manner, as may be provided by the Board of Public Works, and shall repave the same when necessary and ordered by the said Board, and keep the same in repair, said paving and repairing to be done under specifications both as to material and manner, as may be provided by the said Board, under the supervision of the city civil engineer

of said city, it being understood and agreed, however, that said second parties, their successors and assigns, shall not be required to pave, repave or maintain the portion of the street hereinbefore provided with any different material or in any different manner than shall be required to be paved, repaved and maintained as to other portions of the street where such paving, repaving and maintenance is herein required. And said parties of the second part, their successors and assigns shall also keep in repair that part of the floor of all bridges and culverts crossed by any of their tracks which is situated between the outer rails of said tracks and for a distance of twelve inches on the outer side of such outer rails, and also the space between the tracks and switches where there are switches; and in case of failure on the part of said second parties, their successors and assigns, to make any such improvement and repairs as aforesaid, either to streets or avenues or bridges, as herein provided, upon reasonable notice by said board, then the said Board of Public Works shall have the right to proceed to make any such improvements or repairs, and the cost of making the same shall be paid by said parties of the second part, their successors and assigns, to the city on demand, and the collection thereof enforced as any other valid debt. And it is also agreed by and between said parties that the parties of the second part, their successors and assigns, shall at all times keep on deposit in the city treasury to the credit of said board of public works the sum of One hundred and fifty dollars ($150.00) to be designated as an emergency fund, Whenever, in the opinion of said Board of Public Works, an emergency arises for the emidiate repair of any dangerous defect to exist in that part of any street alley, avenue or public place required by this contract to be kept in repair by said parties of the second part, and the said parties of the second part have failed on notice to immediately repair the same, the said board shall cause said repair to be made at once, and if the said parties of the second part shall not promptly pay the bill for the cost of such repairs, when made out and presented at the office of the said parties of the second part in said city, then said board may draw the amount of such bill from the said emergency fund, which fund shall be reimbursed

by said parties of the second part without any delay and kept up to said amount of One Hundred and Fifty dollars ($150.00) aforesaid.

This provision as to an emergency fund is in addition to all other provisions herein contained on the subject of repairing streets and is not intended to modify or change any other provisions or penalties of this contract concerning the same.

6. The said parties of the second part agree and bind themselves, their successors and assigns to operate their interurban road over and along the streets and avenues herein designated in said city in such a manner as to render to the public at all times first-class and sufficient service.

7. That the motive power shall at all times be simple and of the approved kind; that the cars shall be of the best and approved pattern and at all times kept clean, well ventilated, provided with comfortable seats for passengers, and heated with safe and convenient appliances whenever the weather is such that the comfort of the passengers shall require the same, and lighted at night with electricity or with some other equally sufficient light; that all such cars shall be kept in good repair, and shall at all times be painted on the outside and decorated on the inside so as to present an attractive appearance, and shall be repainted and redecorated from time to time as may be necessary to maintain such appearance; that cars used in the operation of said railroad shall be designated as express and passenger cars; that the former are to be used exclusively for hauling light express, passenger baggage and United States mail, the latter for hauling passengers and baggage, light express and United States mail combined; provided that trains consisting of more than one car shall not be run over said franchise in said city, unless two are especially authorized by the Board of Public Works, upon petition of the parties of the second part, their successors and assigns; that the tracks of said parties of the second part shall at all times be kept in repair, provided

with the most modern pattern of "T" or flange rails of sufficient size and weight and in such condition that passengers riding in cars over the same will suffer no unnecessary discomfort or inconvenience by reason of such track or any part thereof being irregular or uneven, or in any wise insufficient, and the right is reserved to the Board of Public Works of said city to order any needed repairs to said tracks or roadbeds or cars, or appliances of said parties of the second part, and said parties of the second part agree to comply with such order, that flange rails shall be laid and maintained on all streets now paved, also all other streets on which pavements may be laid hereafter.

It is also agreed by and between the parties hereto that the said parties of the second part, their successors and assigns, will at all times run at least one (1) car each hour over its said line within said city, between the hours of (5) five A.M. and twelve (12) P.M. of each day, unless by accident it becomes impossible to do so.

8. It is also agreed by and between the parties to this contract that the said parties of the second part, their successors and assigns shall permit the tracks, poles and wires herein authorized to be laid and maintained, to be used by any interurban or suburban railway company, carrying passengers, baggage, light express and United States mail, whenever the Board of Public Works and Common Council of said city, party of the first part, by contract approved by ordinance, shall have granted, authorized and permitted any such company to operate any such railroad over and along the tracks, of said second parties, their successors and assigns.

As compensation in the way of rental to said parties of the second part, their successors and assigns for the use of their said railroad and the wires and poles thereto belonging, by any such interurban or suburban railway company receiving a franchise over the right of way of any portion thereof as authorized in section eighteen (18), said second parties, their successors and assigns shall receive from each of said companies, so authorized by said first party, one-half of the actual cost of original construction of said part of said road as is used by

any such company within the corporate limits of the city, which cost of construction shall include the cost of the first pavement hereafter ordered by the Board of Public Works, on any of said streets, so occupied, for the purpose of an interurban or suburban business; also that any company or companies so authorized by the Board of Public Works and the Common Council to run their cars over the tracks of said second parties, their successors and assigns, shall from and after occupancy of the same, pay an equal amount of the cost of maintenance, repairs, taxes and assessments of the part so used and occupied, and also of the cost of removing the tracks, poles and wires of said second party, to another part of the streets occupied, if ordered to be done by the Board of Public Works and Common Council as hereinafter provided, and also a reasonable sum for propelling cars.

Provided, however, that if power is furnished to any such company or companies by said second parties, their successors and assigns, for a stipulated price, then in that case the cost of constructing and maintaining poles and wires shall not be included in the item or rental expenses of said second party.

And, provided further, that such expenses shall not include the annual franchise tax collected by said first party, or any other expense growing out of any obligation of said second party that relates alone to the cars, building of depots or any regulation thereof.

The said interurban or suburban railway companies so authorized to operate cars over and along the tracks of said second parties or any part thereof as herein provided, shall pay the charges for the use thereof as follows: One-half the cost of the original construction of such part of the road of said second parties, their successors and assigns, as is authorized to be used, to be paid for in cash, such payment to be a condition precedent to the taking possession of such part of said road, authorized by the Board of Public Works and the Common Council.

Provided, however, that if said second parties, and the company to which said grant is made do not agree to the original cost of construction of such part of the road as is to be used, within thirty days from the granting of the right to use such part of said road, then such use shall be permitted for such

an amount as shall be fixed and determined as one-half of the original cost of the construction of the same, in an action instituted by either of said parties in the Allen Circuit Court of Allen County, in the state of Indiana, and pending such controversy or suit, such suburban or interurban company shall have the right to use the tracks authorized by the Board of Public Works and the Common Council, upon executing a bond in such an amount and with such security as shall be approved by said court, conditioned for the payment of said second parties, their successors and assigns, of the amount determined upon final judgment rendered in said court as being one-half of the original cost of construction of such part of the said road occupied and used, including therein one-half the original cost of first pavement that may have been made by said second parties, their successors and assigns, over and along such part; that payment of one-half the accruing costs and expenses growing out of repairs and maintenance as herein provided shall be promptly paid at the end of each month.

If any such interurban or suburban railroad company as may be hereafter authorized as herein provided to use the tracks of the railroad of the parties of the second part, their successors and assigns, shall be in default for a period of ninety (90) days in making any payment herein provided, then their right to use the tracks of the parties of the second part, their successors and assigns, shall cease.

And, provided further, that if said parties of the second part, their successors and assigns, cannot furnish power to propel the cars of such interurban or suburban roads or they may be unable to agree on the reasonable cost of such power, then, in that event, the said interurban or suburban lines, so authorized by said Board of Public Works and the Common Council, shall have the right to construct and maintain feed and trolly wires on the poles of said parties of the second part, their successors and assigns, in said city of Fort Wayne, and the compensation for the use of the poles for the construction and maintenance of said wires be as hereinafter provided for the use of the tracks.

The party of the first part reserves the right to require the said parties of the second part, their successors and assigns, to remove their said tracks

to any part of said streets and avenues hereinbefore mentioned without any expense of said first party, and if upon written notice by said first party to said second parties, their successors and assigns, to make such changes, a refusal to do so shall authorize the work to be done by said first party and the cost of making the removal shall be paid by said parties of the second part, their successors and assigns, to the city on demand, and the collection thereof enforced as any other valid debt, and attorney fees.

9. It is further agreed that the inside distance between the rails shall not exceed four feet eight and one-half inches (4-8½) commonly known as the standard gauge: that the poles used for the purpose of stringing the necessary wires used for the operation of said interurban street railway shall be iron on all streets and avenues herein mentioned from Calhoun street to city limits on Taylor street. In case the said parties of the second part, their successors and assigns, should fail to comply with any of the foregoing agreements and stipulations concerning the motive power, kind of cars to be used, or painting, decorations, heating, lighting, rails or roadbed, or any other stipulation contained herein concerning the operation maintenance or construction of their line of said railway, and the Board of Public Works shall by written notice served on any one of said parties of the second part, or upon their successors and assigns (if service shall be made upon a corporation such notice shall be served upon an officer of the same) require compliance with any such stipulation within a reasonable time therein fixed, and said second parties, their successors and assigns, shall continue to fail and refuse after any such period so fixed, to comply with any such provisions, then said second parties, their successors and assigns, shall forfeit to the city the sum of ten dollars ($10.00) for each and every day that it shall continue to violate any such provision or stipulation, which sum may be collected in a suit on the bond hereinafter required to be given by said parties of the second part, or otherwise, as said Board of Public Works may elect; provided, that nothing contained herein shall be construed as an attempt to in any wise abridge or restrict the power of the Common Council of said city to enact reasonable ordinances providing for the safety, comfort and convenience of the public traveling on lines of street railway in said city, also providing reasonable penalties for the violation thereof.

10. In further consideration of the grant herein and hereby made, and in part payment therefor, the said parties of the second part, their successors and assigns agree and bind themselves to pay to the city of Fort Wayne, party of the first part the following amount annually, during the life of this contract: Without compensation for the first five years, Two Hundred and Fifty Dollars ($250.00) annually for the second five years, and for the remainder of the term, Five Hundred Dollars ($500.00) per year.

11. It is agreed by and between the parties hereto that one of the principal considerations for the grant is the promise, agreement and undertaking of the parties of the second part, their successors and assigns, to build an interurban railway line from the city of Fort Wayne, Indiana, to the City of Huntington, Huntington county, Indiana, and that all rights and privileges granted herein by party of first part to parties of second part, their successors and assigns shall forfeit, terminate, and this contract become null and void if the parties of the second part, their successors and assigns shall not have constructed and in operation such railroad from Fort Wayne to said city of Huntington on the first day of January, 1902, unless on account of acts of Providence, litigation or from unavoidable delay, in which event the Board of Public Works of said city may grant a reasonable extension of time, provided that the same is approved by the Common Council.

12. The said parties of the second part further agree and bind themselves, their successors and assigns to keep and hold said city free and harmless from all liability for any and all damages that may accrue to any person or persons on account of injury to either person or property, growing out of the construction, improvement, maintenance and operation of said second parties," care, their successors and assigns' Cars and railway system, under this contract and in case suit shall be filed against said city, either independently or jointly with said parties of the second part, on account thereof said parties of the second part upon notice to it by said city, will defend said city against said action, and in the event of a judgment being obtained either

independently or jointly with said parties of the second part aforesaid, the said parties of the second part will pay said judgment, with all costs, and hold the city harmless therefrom.

13: All poles, wires and fixtures used in and about said street railway plant over and along the streets and avenues herein mentioned shall be so placed and maintained by said parties of the second part, their successors and assigns, as not to interfere with the reasonable and proper use of the streets and avenues and shall be subject to the approval of the Board of Public Works. The tracks of said parties of the second part, their successors and assigns shall not be elevated above the level of said streets and avenues of said city, and the same shall be laid and maintained so as to conform with the established grade of said streets and avenues, as they shall from time to time exist and in such manner as to be no unnecessary impediment to the ordinary use of such thoroughfare, and the passage of wagons, carriages and other vehicles upon or along such tracks at any point and in any and all directions with suitable bridges at all gutters so as to permit the free and uninterupted flow of water in and along said gutters.

The tracks and rails shall conform with the grades of the streets as now established or as may hereafter be established by the said city, and subject at all times to be taken up and relaid by the party of the second part, their successors and assigns at their expense whenever necessary for the purpose of regrading or paving or repaving said streets, constructing sewers, laying or repairing of water pipes or gas pipes or any other public improvement. In case said rails or track shall not conform to the grade of the street as above provided, and the Board of Public Works shall notify the said parties of the second part thereof, and the parties of the second part shall fail to do the necessary work of making such tracks and rails conform to any such grade within thirty (30) days from the time of receiving said notice, then the Board of Public Works shall have the right to enter upon said

tracks and make said repairs or improvements, and charge the cost thereof to said parties of the second part; and in case the said parties of the second part fail to pay said expenses within thirty (30) days after the said Board has rendered a bill therefor, then the said city shall have a right of action to recover such amount against said parties of the second part, and the said parties of the second part, their successors and assigns shall be liable upon the bond, which is hereinafter provided for, for any such amount. And in case of such failure to pay any such bill, and suit is brought to recover the same, either on said bond or otherwise, then the said city shall be entitled to recover, in addition to the amount of the cost of said repair or improvement reasonable attorney fees, provided, however, that such notice shall not be given at time of year unsuitable for the doing of the work required, unless the condition of such track is such as to endanger the safety of passengers. Should it be necessary in the prosecution of any public work to temporarily stop the operation of cars, it may be done by order of the Board of Public Works, and in such case the party of the first part shall be held free from all claims for damage by reason of delay to the business or traffic of said parties of the second part. But said parties of the second part shall be required to operate their lines of street railway continuously unless prevented from so doing by act of God, accidents or other causes that cannot be reasonably prevented.

14: The said parties of the second part shall at all times so regulate the running of their cars as not to impede or obstruct public travel at intersections of streets, alleys and avenues of said city, and their cars shall be stopped clear of cross streets.

It is also agreed in addition to any other penalties and forfeitures herein fixed and prescribed that if the said parties of the second part, their successors and assigns shall habitually, continually or continuously violate any of the provisions of this contract, or of the ordinance

approving the same, or such other ordinances as may be passed by the Common Council of said city, then said parties of the second part, their successors and assigns shall forfeit all their rights, title and interest in or to the use or occupancy of the streets, avenues, alleys and highways of said city for street railroad purposes, and their contract and franchise for the same shall be at an end and subject to forfeiture.

It is also agreed by and between said parties that any improvement undertaken by or in the name of said city, or by any contractor for and with said city for the improvement of any street, alley, avenue, sidewalk or crossing, or for the construction of any sewer or drain, or other public work shall not be impeded by said parties of the second part, their agents or employes; but said parties of the second part shall do all in their power to advance such improvement by the moving of their tracks and poles and relaying and placing the same, when it becomes necessary, at their own cost, as hereinbefore provided. The said party of the first part shall protect the said parties of the second part as much as possible, by seeing that the contractor for any such public work does not intentionally, negligently or maliciously delay the same to the detriment of the said parties of the second part.

15. It is further agreed by and between the parties to this contract that all the rights hereby granted to the said parties of the second part, to maintain and operate an interurban street railway line or any part thereof in said city shall continue for a period of fifty (50) years from the taking effect of this contract, and all terms, conditions and covenants of this contract shall be binding and conclusive for that period on both parties hereto; but all such rights, conditions and covenants are hereby expressly limited to said period of fifty (50) years, which period shall begin on the taking effect of this contract and end fifty (50) years therefrom. This limitation of time is agreed to be one of the chief considerations for the grant hereby made, and the said parties of the second part, recognizing and conceding that such limitation of time as herein expressed is one of the essential and governing

conditions of the contract, do hereby bind themselves, their successors and assigns, that at the expiration of said period it will peaceably yield possession of every part of every street and avenue in said city then occupied by their lines of street railway, and cease the operation of the said railway plant and every part thereof, and from thence forward will make no claim of any kind, to exercise any right whatever under the grant herein made or under any charter or corporate rights, and any rights which might be claimed by said parties of the second part or their successors or assigns, to hold beyond said period of time under the statute under which it was incorporated.

16: The said parties of the second part, before exercising any of the rights and privileges hereby granted shall execute to the city of Fort Wayne a good and sufficient bond in the sum of Ten Thousand Dollars ($10000.), with good and sufficient sureties to be approved by the said Board of Public Works, conditioned that the parties of the second part their successors and assigns shall faithfully carry out and perform each and every agreement herein contained, and shall well and truly pay to said city all penalties, forfeitures and other sums of money which, under the terms of the contract they may become liable to said City, and said bond shall be renewed from time to time during said period on the demand of the said Board of Public Works of said city, whenever in the opinion of the Board of Public Works said bond has become insufficient for any reason whatever, or whenever by the accumulation of unpaid penalties, forfeitures, judgment or other claims against said second parties in favor of said city, the Board deems such renewal necessary.

And in case the said parties of the second part, their successors and assigns, shall on the reasonable demand of said Board fail or refuse to renew such bond, or furnish such additional security thereon as may be required, then their rights under this contract shall cease, and the franchise herein granted be forfeited, which forfeiture may be enforced in any court of competent jurisdiction.

It is further agreed by and between the parties to this contract that the express and mail cars used

under this franchise shall be of the same size and construction as a passenger car, except as to windows and inside finish. That on all streets and avenues herein authorized to be used, which are paved before such tracks are laid, the ties shall be laid upon a six inch bed of concrete extending to the ends of the ties and thereafter, whenever the streets on any part of the line of said railway shall be paved a like bed of concrete shall be placed under the ties for such distance as the said streets or avenues may be paved.

17: It is Further Agreed by and between the parties that said interurban line is to be completed between the City of Fort Wayne and the city of Huntington, Indiana, before January 1st 1902, or else the rights and privileges under the same are forfeited.

18: It is Further Agreed by and between the parties to this contract, their successors and assigns, that the party of the first part herein reserves the absolute right to grant to any person, company or corporation a franchise for the purpose of constructing an interurban or suburban street railroad over the right of way herein granted or any part thereof after ninety (90) days from the approval of this contract and before occupancy of the same or any part thereof by said second party.

Said first party further reserves the right to grant to any person, company or corporation a franchise for an interurban or suburban railroad over same right of way of any part thereof herein specified after such occupancy of same by said second parties, their successors and assigns, provided that such grant shall authorize the use and occupancy according to terms and conditions provided in section 8, and provided further that if said grant is made to any person, company or corporation after ninety (90) days and before occupancy by said second party that said second party in that case shall have the right to use and occupy said right of way according to section 8 of this contract.

And it is further agreed that said second party shall not use any portion of this right of way under section eight (8) unless they shall construct, maintain and operate an interurban line as hereinbefore provided between the cities of Fort Wayne and Huntington, Indiana.

Parties of the second part, their successors and assigns obligate themselves to run one extra car in addition to those required of interurban service and such other cars as are necessary to provide the proper and sufficient city service.

It is further agreed by the parties of the second part their successors and assigns that they are to accept transfer tickets from all interurban or suburban lines upon an equal division of the fare provided for in the city of Fort Wayne; conditioned, however, that such other lines shall accept transfers from the parties of the second part, their successors and assigns upon the same conditions.

It is agreed by and between the parties to this contract that all rights, privileges, conditions, limitations and obligations of the second parties shall extend to and be binding on their successors and assigns.

It is agreed by and between the parties to this contract that in the construction of the said railroad none of the rights and privileges herein granted shall vest in the parties of the second part their successors and assigns until said parties of the second part their successors and assigns shall have constructed their interurban line from Huntington, Indiana, to the crossing of the Wabash Railroad right of way and Taylor street within the city limits.

It is further agreed by and between the parties to this contract that party of the first part is authorized and empowered to grant a franchise to any person, company or corporation to occupy and use any part of said interurban or suburban railroad that may hereafter come within the limits of the city of Fort Wayne by annexation of territory by the Common Council, provided that such use shall be upon the terms and conditions provided in section eight (8) in this contract.

It is understood between the parties to this contract that the right of way herein granted to said parties of the second part, their successors and assigns from Calhoun street to Fox Avenue on Taylor Street is the right of way that was heretofore, by contract bearing date of May 21, 1900, approved by ordinance passed by the Common Council on 30th day of June 1902 granted to J. K. Simonson, Louis J. Bobilya, Edward White, James M. McKay, John W. White, Asahel S. Coverdale, Christian C. Schlatter, William Geake, Franklin P. Wilt, William Kaough, Perry A. Smith, Henry S. Thayer, and John D. Cloz by party of the first part, and

that first party in granting the franchise herein agreed upon, does so under and by virtue of the authority and power reserved unto itself in Section eighteen (18) of said franchise to said J. H. Simonson, Louis J. Bobilya, Edward White, James M. McKay, John W. White, Azuhel S. Covendale, Christian C. Schmitt, William Scuka, Franklin P. Nill, William Kaough, Perry R. Smith, Henry S. Thayer and John F. Olds.

In witness Whereof, we have hereunto set our hands and seals this 13th day of December, A.D. 1900.

City of Fort Wayne By. Peter Eggeman (seal)
P. H. Kane (seal)
J. K. McCracken (seal)

Attest
A. M. Schmidt
Clerk.

Board of Public Works.
Geo Townsend (seal)
William S. Reed. (seal)
Charles C. Miller (seal)

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that the contract and agreement, heretofore to-wit on November 27th, 1900, made and entered into by the City of Fort Wayne, by and through its Board of Public Works of the city, and George Townsend, William S. Reed and Charles C. Miller, as fully set out in the preamble hereto, be and the same is hereby in all things confirmed and approved.

Section 2: This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor.

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 13th day of December, 1900.

Attest
Henry B. Morning
City Clerk.

Approved December 15th 1900.
Henry F. Scherer
Mayor

General Ordinance No 169

Published by
6 & 13 March

An ordinance changing the names of certain streets and avenues in the city of Fort Wayne, Indiana.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that the following described streets and avenues shall hereafter be known and called by the following names, viz:

1st That John's avenue running from Pigua avenue to Hoagland avenue be known and called Darrow avenue.

2nd That Simon street running from Pontiac street to Leith street be known and called Jane street.

3rd That Lavinia avenue running from P. F. W. & C. R. R. to Guthrie street be known and called Riedmiller ave.

4th That Packard street running from Organ avenue south be known and called Bond avenue.

6th That the street on the city limits line on the south from Pigua avenue to St Mary's river be known and called Rudisill ave.

6th That Edgerton street running from Winter street to Walton avenue be known and called Greene street.

7th That St Joe street running from Wells street to Orchard street be known and called Brossard Lane.

8th That Aboit street running from Sherman street to the city limits be known and called South street.

9th That Bauer ave running from Calhoun street to Harrison street be known and called Eureka ave.

Section 2: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the city of Fort Wayne, Indiana this the 12th day of March 1901.

Attest
Henry B. Morning Asst Clerk

Approved March 16th 1901
Henry P. Scherer Mayor

General Ordinance No 170

Introduced by Simmons

An ordinance confirming and approving a certain agreement and contract made and entered into this 9th day of February, 1901, by and between the city of Fort Wayne, through its Board of Public Works and the American District Telegraph Company of Indiana.

Whereas heretofore to-wit on the 9th day of February, 1901, the Board of Public Works of the city of Fort Wayne, State of Indiana, on and in behalf of the city of Fort Wayne entered into the following agreement and contract, viz:

Whereas, heretofore to-wit on the 9th day of February, 1901, the city of Fort Wayne, by and through its Board of Public Works entered into the following agreement and contract with the American District Telegraph Company of Indiana, viz:

Witnesseth: This agreement made and entered into this 9th day of February, 1901, by and between the city of Fort Wayne of Allen County, Indiana (hereinafter called the city) by and through its Board of Public Works, party of the first part and the American District Telegraph Company of Indiana, party of the second part, witnesseth:

Whereas, prior to the first day of January, 1899, the Western Union Telegraph Company had established and constructed wires through the principal business portions and streets of the city of Fort Wayne with call boxes connected therewith to enable patrons, by means of said boxes, to call for messengers furnished by said Telegraph Company, to receive and deliver telegraphic messages to be sent over the wires of said Company, and to call for messengers to deliver business notes and packages for such patrons, and perform for such patrons such other errands and service as they might require, and

Whereas, the American District Telegraph Company of Indiana, has acquired from said Western Union Telegraph Company the right to use said wires and call boxes for said purposes, and

Whereas, said American District Telegraph Company of Indiana may in the future desire to extend wires in and to other portions of the city of Fort Wayne for the same purposes.

Now, therefore, this agreement entered into by and between the city of Fort Wayne, party of the first part, by and through its Board of Public Works, and said American District Telegraph Company of Indiana, party of the second part, witnesseth, that:

The city of Fort Wayne, party of the first part, hereby grants permission to the said American District Telegraph Company

of Indiana, a corporation, to maintain said wires and boxes on the streets where they now are, and to erect and maintain the necessary poles upon the streets and alleys of the city of Fort Wayne, and to string and maintain thereon such wires as may be necessary to conduct its business consisting in collecting and delivering by its messengers, messages for and from said Western Union Telegraph Company and any other telegraph company which may desire such service, to its patrons, also to furnish messengers to the public when called upon for the delivery of packages, business notes, and the performance of such other errands and service as may be required, and, to furnish night signal watch service to such persons as may desire it, consisting of night watch-boxes put in houses, office and business places of such persons, whereby such persons may have knowledge as to whether or not their night watchmen are performing their duty as required, also for the purpose of sending in burglar and fire alarm calls or any other call that they may desire to send in.

Said city of Fort Wayne also hereby further grants to said American District Telegraph Company of Indiana, the right to maintain and operate said wires so constructed by said Western Union Telegraph Company as they are now constructed, or to move them and re-construct them on the same or such other streets and alleys of said city as the convenience of said American District Telegraph Company of Indiana may require; Provided, however, that the poles of such wires shall only be erected at such points and places in said streets and alleys as may be agreed upon by said American District Telegraph Company of Indiana, and the Board of Public Works of said city. Said wires at no point to be at a less distance than twenty-five (25) feet from the ground.

In consideration of the rights and privileges herein granted by the said city of Fort Wayne, said American District Telegraph Company of Indiana, party of the second part, agrees that it will place and maintain in the Police Station and the other principal offices of said city, free of any charge or expense to said city, a messenger box to be used by said city for calling messengers of the said American District Telegraph Company of Indiana.

And in consideration of the privileges and rights herein granted said American District Telegraph Company of Indiana further agrees, that for a period of five years from and after the first day of January, 1901, it will pay to said city ~~two~~

per cent per annum of its gross receipts from the business and messages passing over such wires or secured by means of such wires and night watch-boxes and call boxes, including the rentals obtained for such boxes, and after the expiration of said five years three per cent per annum of such gross receipts the payment to be made on the 31st day of December of each year and in no year shall the payment to the city be less than twenty five ($25) dollars.

It is further agreed that said American District Telegraph Company shall at all times keep books and strict accounts showing all receipts and gross earnings of said American District Telegraph Company and that such books and accounts shall at all times be open for inspection of the city Comptroller and the Board of Public Works or any other officer of the city authorized by the city to make such inspection.

It is further agreed that said Company shall not at any time exact more than the following prices, viz:

For one call box a rental of fifty (50) cents per month: for four call boxes a rental of seventy-five (75) cents per month: for ten call boxes a rental of one ($1) dollar per month: for night watch-boxes as rental to any one patron for one box three (3) dollars per month: for two additional boxes two (2) dollars per month: for fourth box one dollar and fifty cents ($1.50) per month and for each additional box one (1) dollar per month.

The said Company upon the acceptance of this contract, shall execute to the city of Fort Wayne a good and sufficient bond in the sum of one thousand ($1000.) dollars with good and sufficient securities to be approved by said Board of Public Works, conditioned that the party of the second part shall faithfully carry out and perform each and every agreement herein contained, and shall well and truly pay to said city all penalties, forfeitures and other sums of money which under the terms of the contract, it may become liable for to said city, and said bond shall be renewed from time to time during said period on the demand of the said Board of Public Works of said city, whenever it is deemed insufficient by said Board of Public Works or whenever by the insufficiency of the accumulation of unpaid penalties, forfeitures, judgements or other claims against said company, in favor of said city, the said Board deems such renewal necessary.

And in case the said Company, shall on the reasonable demand of said Board fail or refuse to

renew such bond or furnish such additional security thereon as may be required, then its rights under this contract shall cease and the franchise herein granted be forfeited, which forfeiture may be enforced in any court of competent jurisdiction. It is further agreed that the terms of this contract together with all privileges granted thereunder shall terminate thirty years from the date of the approval of this contract by the Common Council.

It is further agreed that said American District Telegraph Company shall at all times comply with all ordinances and resolutions now in force or which may hereafter be adopted the Common Council of said city.

In Witness whereof the parties hereto have caused this contract to be executed on this 9th day of February, 1901.

American District Telegraph Company of Indiana.
by Allen Zollars. Atty and Agent.
City of Fort Wayne by its Board of Public Works.
Peter Eggeman
P. H. Kane
I. K. McCracken
Board of Public Works

Attest
Henry B. Monning
Clerk.

Section 1: Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that the contract and agreement heretofore to-wit on February 9th, 1901, made and entered into by the city of Fort Wayne by and through its Board of Public Works of the city and the American District Telegraph Company of Indiana, as fully set out in the Preamble hereto, be and the same is hereby in all things confirmed and approved.

Section 2: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council Chamber in the city of Fort Wayne, Indiana, this the 12th day of March, 1901.

Approved March 16th 1901.
Henry P. Scherer
Mayor

Attest
Henry B. Monning
City Clerk

General Ordinance No 171

An Ordinance conferring and approving a certain agreement and contract made and entered into on the 11th day of April, 1901, by and between the City of Fort Wayne, Ind., & Board of Public Works, & L. B. McElhenny.

Introduced by Mr. Schaab

Whereas, Heretofore to-wit, on the 27th, day of November, 1900, the Board of Public Works of the City of Fort Wayne, State of Indiana, for and in behalf of the City of Fort Wayne, entered into the following agreement & contract, viz:

Whereas, Heretofore, to-wit, on the 11th day of April, 1901, the City of Fort Wayne by and through its Board of Public Works, entered into the following contract and agreement with L. B. McElhenny, to-wit:

This agreement, made and entered into this 11th day of April, 1901, by and between the City of Fort Wayne, Allen county, Indiana, (hereinafter called the City,) by and through its Board of Public Works party of the first part, and L. B. McElhenny, party of the second part, witnesseth:

1. That the party of the first part, by and through its Board of Public Works aforesaid, under and by virtue of the powers conferred upon it by an act of the General Assembly of the State of Indiana, entitled, "An act concerning the incorporation and government of cities having a population of not less than thirty-five thousand nor more than forty-nine thousand, according to the United States census last preceding, and matters connected therewith and declaring an emergency," approved March 6, 1893, does hereby, subject to the conditions herein expressed, authorize and empower the said party of the second part, his successors and assigns, and, by the terms of this contract, consent, permission and authority are by the said city, given and granted unto said

party of the second part, his successors and assigns, from and after the approval and ratification of this contract by an ordinance of the Common Council of the city, subject to the conditions hereinafter prescribed and expressed, to lay and maintain a single track for an interurban street passenger railway line, with the right to haul light express, mail and passenger baggage in connection therewith; to be operated by electricity or other improved power to be approved by said Board, with all proper and convenient turn-outs, switches, feed wires and poles which may be necessary for the successful operation of a street railway system in, along and upon the streets and avenues of said city hereafter named and described, and to use, maintain and operate the same, and to charge, demand and receive from passengers rates of fare as hereinafter provided, for and in consideration of and subject to the terms, conditions and limitations herein prescribed:

On Archerville avenue from Pequa avenue to South Wayne avenue; north on South Wayne avenue to Swayne street, west on Swayne street to Fox avenue, north on Fox avenue to Taylor street.

On Taylor street from west line of Fox avenue to east line of Fairfield avenue.

On Fairfield avenue from the south line of Taylor street extended north to north line of Brackenridge street.

On Brackenridge street from east line of Fairfield avenue extended, to west line of Fulton street extended.

On Fulton street from south line of Brackenridge to north line of Pearl street, extended.

On Pearl street from west line of Fulton street, extended, to the east line of Harrison street, extended.

On Harrison street from north line of Pearl street extended, to south line of Columbia street, extended.

On Columbia street from west line of Harrison street to west line of Calhoun street.

The streets and avenues herein named are intended to be streets and avenues hereafter popularly known by the names herein mentioned whether such names are in fact the legal designation of such streets or avenues or not.

The routes and lines of said railway so located, as aforesaid, may be connected with suitable curves and switches, and such more lines may be erected along said route or elsewhere subject in every case to the approval of the Board of Public Works.

It is agreed by and between parties to this contract that if said party of the second part runs or transports, or attempts to haul or transport upon his said line of road within the city limits property other than is herein authorized, without special permission of the Board of Public Works, that he, the second party, forfeits all right, title and interest in and to any rights and privileges herein granted, and upon the forfeiture having been declared by the Common Council, and the said second party refuses to vacate the streets occupied, said first party shall be authorized to enforce such vacation by removing the same at the expense of said second party.

In consideration of the rights and privileges hereby granted to the said party of the second part, his successors and assigns, upon the consideration herein fixed and expressed that the said party of the second part agrees and binds himself to the following conditions, to wit:

2. It is agreed by and between the said parties that the said party of the second part, his successors and assigns, may charge & be entitled to receive a cash fare of five (5) cents and no more for each passenger over the age of five (5) years riding on said cars upon the lines herein described. Any person having paid such cash fare of five cents shall be entitled to ride to the end of the line within the city, on the car upon which he has taken passage, and also entitle him to a transfer on all the lines herein granted. That said second party shall accept transfer tickets from all city, inter-urban or suburban roads now being operated in the city, or may

transfer tickets to and from each other's lines, and shall be operated in the city upon the request thereof of the first party to the city of Fort Wayne, provided that such city railways or railroads are required under the terms of their respective franchises to accept transfer tickets from said second party over their lines, or if not required, will consent to exchange transfers. Every passenger car run and operated by said party of the second part in said city shall be provided with a conductor who shall collect fares and attend to the comforts and convenience of the passengers upon such car. Each of such conductors shall constantly have in his possession an ample supply of tickets to be sold and delivered to all passengers desiring the same, and said party of the second part may charge and be entitled to receive for the same the following rates and no more: For six (6) of such tickets twenty-five cents ($.25); for twenty-five of such tickets, one dollar ($1.00).

3. The said party of the second part, his successors and assigns, shall build and maintain at some point along the line of his said railroad within the corporate limits of the city, a station for loading and unloading express, baggage and mail; that said station shall be so located that the use of it by said second party, his successors and assigns, will not interfere with the free use of the streets as now used by the public; that party of the first part reserves the absolute right, at all times, to fix and provide such rules and regulations in the transfer and unloading of passengers, express, baggage and mail from the cars of said second party, his successors and assigns, as are necessary to secure the comfort, safety and convenience of the public.

4. The electric system used in the propulsion of said cars shall be the overhead system now in use by other companies in the city, unless some other shall be mutually agreed upon by and between the

of said Board of Public Works and said second party, his successors and assigns. The entire system used by said party of the second part, and all the means devices and appliances used in the supply, application and use of its propelling power in all respects which shall in any manner affect or endanger the safety of the public, shall at all times be kept open to the inspection of and under the supervision of the Department of Public Safety of said city. As often as may be required by said Department of Public Safety said party of the second part shall furnish to said department a statement showing the amount of electro-motive power used and the strength of current conveyed or used upon its wires; and said department shall, at all times, have the right to inspect and test the same and order and require any such changes therein as may be necessary to insure, as far as possible, the safety of the public or to prevent injury to any property, and all damage to water pipes caused by the construction or operation of said railway, must be paid by said second party, his successors and assigns

5. The said party of the second part, his successors and assigns, shall pave the space between all rails, including the space between the tracks where there are double tracks, and for a distance of twelve (12) inches on the outside of the outside rails of the tracks, and shall make all necessary repairs in said space, under specifications, both as to material and manner, as may be provided by the Board of Public Works, and shall repave the same when necessary and ordered by the said Board, and keep the same in repair, said paving and repaving to be done under specifications, both as to material and manner, as may be provided by the said Board, under the supervision of the city civil engineer of said city, it being understood and agreed however, that said second party, his successors and assigns, shall not be required to pave repave or macadamize the portion of the street

hereinbefore provided with any different material or in any different manner than shall be required to be paved, repaved and maintained as to other portions of the streets where such paving, repaving and maintenance is herein required. That the party of the second part, his successors and assigns, shall also keep in repair that part of the floor of all bridges and culverts crossed by any of the tracks which is situated between the outer rails of said tracks and for a distance of twelve inches on the outer side of such outer rails, and also the space between the tracks and switches, where there are switches; and in case of failure on the part of said second party, his successors and assigns, to make such improvements and repairs as aforesaid, either to streets, avenues, or bridges, as herein provided upon reasonable notice by said Board, then the said Board of Public Works shall have the right to proceed to make any such improvements or repairs, and the cost of making the same shall be paid by said party of the second part, his successors and assigns, to the city on demand, and the obligation thereby enforced as any other valid debt. And it is also agreed by and between said parties that the party of the second part, his successors and assigns, shall at all times keep on deposit in the city treasury to the credit of said Board of Public Works the sum of one hundred and fifty dollars ($150.00) to be designated as an emergency fund. Whenever, in the opinion of said Board of Public Works, an emergency arises for the immediate repair of any dangerous defect found to exist in that part of any street, alley, avenue or public place required by this contract to be kept in repair by said party of the second part, and the said party of the second part have failed, on notice, to immediately repair the same, the said board shall cause said repair to be made at once, and if the said party of the second part shall not promptly pay the bill for the cost of such repairs when made out and presented at the office of the said party of the second part in said city, then said board may

draw the amount of such bill from the said emergency fund, which fund shall be reimbursed by said party of the second part, without any delay, and kept up to said amount of one hundred and fifty dollars ($150.00) aforesaid.

This provision as to an emergency fund is an additum to all other provisions herein contained in the subject of repairs and is not intended to modify or change any other provisions or penalties of this contract concerning the same.

6. The said party of the second part agrees binds himself his successors and assigns, to operate the street-urban road over and along the streets and avenues herein designated in said city in such a manner as to render to the public at all times first-class and sufficient service.

7. That the motive power shall at all times be of the best and approved kind, that the cars shall be of the best and approved pattern provided with fenders, and at all times kept clean, well ventilated, provided with comfortable seats for passengers and heated with safe and convenient appliances whenever the weather is such that the comfort of the passengers shall require the same, and lighted at night with electricity or with some other equally sufficient light; that all such cars shall be kept in good repair, and shall at all times be painted on the outside and decorated on the inside so as to present an attractive appearance, and shall be repainted and redecorated from time to time as may be necessary to maintain such appearance; that cars used in the operation of said railroad shall be designated as express and passenger cars; that the former are to be used exclusively for handling light express, passenger baggage and United States mail, the latter for handling passengers and baggage, light ex-

rail United States mail railroad; provided, that trains consisting of more than one car shall not be run over said franchise in said city, unless two are especially authorized by the Board of Public Works, upon petition of the party of the second part his successors and assigns; that the tracks of the said party of the second part shall at all times be kept in repair provided and the most modern pattern of "T" or flange rail of sufficient size and weight and in such condition that [illegible] the same will suffer no unnecessary discomfort or inconvenience by reason of such track or any part thereof being irregular or uneven or in any wise insufficient and the right is reserved to the Board of Public Works of said city to make from time to time such repairs to said tracks or road beds or cars or appliances of said parties of the second part and said party of the second part agrees to comply with such orders that flange rails shall be laid and maintained on all streets now paved; also all other streets which pavements may be laid hereafter.

It is also agreed by and between the parties hereto that the said party of the second part his successors and assigns, will at all times run at least one (1) car each hour over its said line within said city between the hours of five (5) A. M., and twelve (12) P.M., of each day, unless by accident it becomes impossible to do so.

5. It is also agreed by and between the parties to this contract that the said party of the second part, his successors and assigns, shall permit the tracks, poles and wires herein authorized to be laid and maintained, to be used by any city, inter-urban or suburban railway company carrying passengers baggage, light express and United States mail whenever the Board of Public Works and Common Council of said city [illegible] of the first part by contract approved by ordinance shall have granted, authorized and permitted any such company to operate any such railroad over and along the tracks of said second part,

successors and assigns. As compensation in the way of rental to said party of the second part, his successors and assigns, for the use of the said railroad and the wires and poles thereto belonging, by any such city, inter-urban or suburban railway company receiving a franchise over the right of way or any portion thereof as authorized in Section Eighteen (18), said second party, his successors and assigns, shall receive from each of said companies so authorized by said first party, one-half of the actual cost of original construction of said part of said road as is used by any such company within the corporate limits of the city, which cost of construction shall include the cost of the first pavement hereafter ordered by the Board of Public Works on any of said streets so occupied for the purposes of a City, inter-urban or suburban business; also that any company or companies so authorized by the Board of Public Works and the Common Council to run their cars over the tracks of said second party his successors and assigns, shall, from and after occupancy of the same, pay an equal amount of the cost of maintenance, repairs, taxes and assessments of the part so used and occupied, and also of the cost of removing the tracks poles and wires of the second party to another part of the streets occupied if ordered to be done by the Board of Public Works and Common Council as hereinafter provided, and also a reasonable sum for propelling cars. Provided, however that if power is furnished to any such company or companies by said second party, his successors and assigns for a stipulated price, then, in that case, the cost of constructing and maintaining poles and wires shall not be included in the items of rental expenses of said second party.

And provided further, that such expenses shall not include the annual franchise tax collected by said first party, or any other expense growing out of any obligations of said second party that relates alone to the cars, building of depots, or any regulation thereof.

The said city, inter-urban or suburban railway companies so authorized to operate cars over and along the tracks of said second party, or any part thereof as herein provided, shall pay the charges for the use thereof as follows: One-half the cost of the original construction of such part of the road of said second party, his successors and assigns, as is authorized to be used, to be paid for in cash, such payment to be a condition precedent to the taking possession of such part of said road authorized by the Board of Public Works and the common council

Provided, however, that if said second party and the company to which said grant is made do not agree as to the original cost of construction of such part of the road as is to be used within thirty days from the granting of the right to use such part of said road, then such use shall be permitted for such an amount as shall be fixed and determined as one half of the original cost of the construction of the same, in an action instituted by either of said parties in the Allen Circuit Court of Allen County, in the State of Indiana, and pending such controversy or suit, such city, suburban or inter-urban company shall have the right to use the tracks authorized by the Board of Public Works and the Common Council upon executing a bond in such an amount and with such security as shall be approved by said court, conditioned for the payment to said second party, his successors and assigns, of the amount determined upon final judgment rendered in said court as being one-half of the original cost of construction of such part of the said road occupied and used including therein one half the original cost of first pavement that may have been made by said second party, his successors and assigns, over and along such part; that payment of one half the accruing costs and expenses growing out of repairs and maintenance as herein provided, shall be promptly paid at the end of each month.

If any such city, inter-urban or suburban railroad company as may be hereafter authorized

as herein provided, to use the tracks of the railroad of the party of the second part, his successors and assigns, shall be in default for a period of ninety (90) days in making any payment herein provided, then and in such event the right to use the tracks of the party of the second part, his successors and assigns, shall cease.

And Provided further, that if said party of the second part, his successors and assigns, cannot furnish power to propel the cars of such city, inter-urban or suburban roads, or they may be unable to agree on the reasonable cost of such power, then, in that event, the said city, inter-urban or suburban lines, so authorized by the Board of Public Works and the Common Council, shall have the right to construct and maintain feed and trolley wires on the poles of the party of the second part, his successors and assigns in said city of Fort Wayne and the compensation for the use of the poles for the construction and maintenance of said wires in as hereinbefore provided for the use of the tracks.

The party of the first part reserves the right to require the said party of the second part, his successors and assigns, to remove their said tracks to any part of said streets or avenues hereinbefore mentioned without any expense of said first party, and upon written notice by said first party to said second party, his successors and assigns, to make such changes, or refusal to do so shall authorize the work to be done by said first party and the cost of making the removal shall be paid by said party of the second part, his successors and assigns, to the city, on demand, and its collection thereof enforced as any other valid debt, and attorney fees.

4. It is further agreed, that the inside distance between the rails shall not exceed four feet eight and one half inches (4 ft. 8½) commonly known as the standard gauge; and the poles for the purpose of stringing the necessary wires used for the operation of said inter-urban street railway, shall be iron on all streets on

extension herein mentioned from Calhoun street to City Limits on Richardsville avenue. In case the said party of the second part, his successors and assigns, should fail to comply with any of the foregoing agreements and stipulations concerning the motive power, kind of cars to be used, or painting, decorating, heating, lighting, rails or road bed, or any other stipulation contained herein concerning the operation, maintenance, or construction of their line of said railway, and the Board of Public Works shall, by written notice served on any one of said parties of the second part, or upon their successors and assigns, (if service shall be made upon a corporation such notice shall be served upon an officer of the same,) require compliance with any such stipulation, with a reasonable time therein fixed, and said second party, his successors and assigns, shall continue to fail, and refuse after any such period so fixed, to comply with any such provision, then said second party, his successors and assigns, shall forfeit to the city the sum of Ten dollars for each and every day that it shall continue to violate any such provision or stipulation, which sum may be collected in a suit on the bond hereinafter required to be given by said party of the second part, or otherwise, as the Board of Public Works may elect; provided, that nothing contained herein shall be construed as an attempt to in any wise abridge or restrict the power of the Common Council of said city to enact reasonable ordinances providing for the safety, comfort and convenience of the public traveling on lines of street railway in said city, also, providing reasonable penalties for the violation thereof.

10. For further consideration of the grant herein and hereby made, and in part payment thereof, the said party of the second part, his successors and assigns, agrees and binds himself to pay to the City of Fort Wayne, party of the first part, the following amounts annually, during the life of this Contract: Without compensation for the

first five years, Two Hundred and Fifty Dollars ($250.) annually for the second five years, and for the remainder of the term, Five Hundred dollars ($500.) per year.

11. It is agreed by and between the parties hereto that one of the principal considerations for the grant is the promise, agreement and undertaking of the party of the second part, his successors and assigns, to build an interurban railway line from the state of Ft. Wayne Indiana to the City of Decatur, Indiana, and that all rights and privileges granted herein by said party of the first part to party of the second part his successors & assigns shall forfeit, terminate, and this contract become null and void, if the party of the second part his successors and assigns, shall not have constructed and in operation such railroad from Fort Wayne to said city of Decatur, on the first day of April, 1902, unless on account of acts of Providence, litigation, or from unavoidable delay, in which event the Board of Public Works of said city may grant a reasonable extension of time, provided the same is approved by the Common Council.

12. The said party of the second part further agrees and binds himself, his successors & assigns, to keep and hold said city free & harmless from all liability for any and all damage that may accrue to any person or persons on account of injury to either person or property, growing out of the construction, improvement, maintenance and operation of said party's cars and railway system, under this contract, & in case suit shall be filed against said city either independently or jointly with said party of the second part, on account thereof, said party of the second part upon notice to him by said city, will defend said city against said action, and in the event of a judgment being obtained, either independently or jointly with said party of the second part, on account of the acts of the said party of the second part aforesaid, the said

party of the second part will pay said judgment, with all costs, and hold the city harmless therefrom.

13. All poles, wires and fixtures used in and about said street railway plant over and along the streets and avenues herein mentioned shall be so placed and maintained by the said party of the second part, his successors and assigns, as not to interfere with the reasonable and proper use of the streets and avenues, and shall be subject to the approval of the Board of Public Works. The tracks of said party of the second part, his successors and assigns, shall not be elevated above the level of said streets and avenues of said city, and the same shall be laid and maintained so as to conform with the established grade of said streets or avenues as they shall from time to time exist, and in such manner as to be no unnecessary impediment to the ordinary use of such thoroughfare, and the passage of carriages carriages and other vehicles upon or along such tracks at any point and in any and all directions, with suitable bridges at all gutters so as to prevent the free and uninterrupted flow of water in and along said gutters.

The tracks and rails shall conform with the grades of the streets as now established, or as may hereafter be established by the said city, and subject at all times to be taken up and relaid by the party of the second part, his successors and assigns, at their expense, whenever necessary for the purpose of regrading or paving or repairing said streets constructing sewers, laying or repairing of water or gas-pipes, or any other public improvement. In case said rails or tracks shall not conform to the grade of the street as above provided, and the Board of Public Works shall notify the said party of the second part thereof, and the said party of the second part shall fail to do the necessary work of making such tracks and rails conform to any such grade within thirty (30) days from the time of receiving said notice, then the Board of Public Works shall have the right to enter upon

paid tracks and make said repairs or improvement and charge the cost thereof to said party of the second part; and in case the said party of the second part fail to pay said expense within thirty (30) days after the said Board has rendered a bill therefor then the said city shall have a right of action to recover such amount against the party of the second part and the said party of the second part his successors and assigns, shall be liable upon the bond which is hereinafter provided for, for any such amount And in case of such failure to pay any such bill and suit is brought to recover the same, either on said bond or otherwise, then the said city shall be entitled to recover, in addition to the amount of the cost of said repair or improvement, reasonable attorney fees provided, however, that such notice shall not be given at time of year unsuitable for doing the work required, unless the condition of such track is such as to endanger the safety of passengers. Should it be necessary in the prosecution of any public works to temporarily stop the operation of cars, it may be done by order of the Board of Public Works, and in such case the party of the first part shall be held free from all claims for damages by reason of delay to the business or traffic of said party of the second part. But said party of the second part shall be required to operate their lines of street railway continuously unless prevented from so doing by act of God, accidents or other causes that cannot be reasonably prevented.

14. The said party of the second part shall, at all times, so regulate the running of the cars as not to impede or obstruct public travel at intersections of streets, alleys and avenues of said city, and the cars shall be stopped clear of cross-streets.

It is also agreed, in addition to any other penalties and forfeitures herein fixed and prescribed, that if the said party of the second part, his successors and assigns, shall habitually, continually or continuously violate any of the provisions of this contract or of the ordinance approving the same, or such other ordinances as may be passed by the Common Council

of said city. Then the said party of the second part his successors and assigns, shall forfeit all his right, title and interest in or to the use or occupancy of the streets, avenues, alleys and highways of said city for street railroad purposes, and his conduit and franchise for the same shall be at an end and subject to forfeiture.

It is also agreed by and between said parties, that any improvement undertaken by or in the name of said city, or by any contractor for and with said city, for the improvement of any street, alley, avenue, sidewalk or crossing, or for the construction of any sewer or drain, or other public works, shall not be impeded by said party of the second part, his agents or employes; but said party of the second part shall do all in his power to advance such improvement by the removing of the tracks and poles, and relaying and placing the same, when it becomes necessary, at his own cost as hereinbefore provided. The said party of the first part shall protect the said party of the second part, as much as possible, by seeing that the contractor for any such public work does not intentionally, negligently or maliciously delay the same to the detriment of the said party of the second part.

15. It is further agreed by and between the parties to this contract that all the rights hereby granted to the said party of the second part to maintain and operate an inter-urban street railway line or any part thereof in said city, shall continue for a period of fifty (50) years from the taking effect of this contract, and all terms, conditions and covenants of the contract shall be binding and conclusive for that period on both parties hereto; but all such rights, conditions and covenants are hereby expressly limited to said period of fifty (50) years, which period shall begin on the taking effect of the contract and end fifty (50) years therefrom. This limitation of time is agreed to be one of the chief considerations for the grant hereby made, and the said party of the second part, recognizing and conceding that such limitation of time as herein expressed is one of the essential and governing conditions of the contract, does hereby bind himself, his successors and assigns, that at the expiration of

said period he will peaceably yield possession of every part of every street and avenue in said city then occupied by the lines of said railway, and cars, operations of the said railway plant and every part thereof, and from thenceforward will make no claim of any kind to exercise any right whatever under the grant herein made, or under any charter or corporate rights, and any rights which might be claimed by said party of the second part or his successors or assigns to hold beyond said period of time under the statute under which it was incorporated.

16. The said party of the second part, within thirty days after the approval of this contract by the Common Council, and before exercising any of the rights and privileges hereby granted, shall execute to the City of Fort Wayne a good and sufficient bond in the sum of Ten Thousand dollars ($10,000.00) with good and sufficient sureties, to be approved by the said Board of Public Works, conditioned that the party of the second part, his successors and assigns, shall faithfully carry out and perform each and every agreement herein contained, and shall well and truly pay to said city all penalties, forfeitures and other sums of money which, under the terms of the contract, they or any thereof may become liable to said city, and said bond shall be renewed from time to time during said period on the demand of the said Board of Public Works of said city, whenever, in the opinion of the Board of Public Works said bond has become insufficient for any reason whatever, or whenever by the accumulations of unpaid penalties forfeitures, judgment or other claims against said second party in favor of said city, the Board deems such renewal necessary.

And in case the said party of the second part, his successors and assigns, shall, on the reasonable demand of said Board of Public Works, fail or refuse to renew such bond, or furnish such additional security thereon as may be required, then the rights under this contract shall cease, and the franchise herein granted be forfeited, which forfeiture may be enforced in any court of competent jurisdiction.

It is further agreed by and between the parties

the contract that the express cars and cars used under this franchise shall be of the same style and construction as a passenger car, except as to windows and inside finish. That on all streets and avenues herein authorized to be used which are paved before such tracks are laid, the ties shall be laid upon a six inch bed of concrete extending to the ends of the ties, and thereafter whenever the streets or any part of the line of said railway shall be paved, a like bed of concrete shall be placed under the ties for such a distance as the said streets or avenues may be paved.

17. It is further agreed by and between the parties hereto that said inter-urban line is to be completed between the city of Fort Wayne and the city of Decatur within two years from April 1st, 1902 or else the rights and privileges under this same are forfeited.

18. It is further agreed by and between the parties to this contract that the party of the first part herein reserves the absolute right to grant to any person company or corporation a franchise for the purpose of constructing a city, inter-urban or suburban street railroad over the right of way herein granted or any part thereof, after ninety (90) days from the approval of this contract and before occupancy of the same or any part thereof by said second party.

Said first party further reserves the right to grant to any person, company or corporation a franchise for a city, inter-urban or suburban railroad over same right of way or any part thereof herein specified after such occupancy of same by said second party, provided that such grant shall authorize the use and occupancy according to terms and conditions provided in Section Eight (8) and provided further, that if said grant is made to any person, company or corporation after ninety (90) days and before occupancy by said second party, that said second party, in that case, shall have the right to use and occupy said right of way according to Section eight of this contract, and it is further agreed by and between said parties, that said second party shall not use any portion of this right of way under Section

rights, rentals to shall be reduced, amended and operate over said inter-urban line as hereinbefore provided between the cities of Fort Wayne and Decatur, Indiana. The party of the second part obligates himself to run one cabin car as exhibition to show required for said inter-urban service, and such other cars that may be necessary to provide the proper and sufficient city service. It is further agreed by and between parties to this contract that party of the second part shall not, under penalty of forfeiture of all the rights and privileges herein granted, transfer to or allow the use of by the Fort Wayne Traction Company, its successors and assigns, or by any other company doing a city passenger business, the franchise herein granted, without said company has first obtained from said party of the first part a permit to use such right of way. It is further agreed by and between the parties to this contract that in the construction of the said street railroad none of the rights and privileges herein granted shall vest in the party of the second part until the said party of the second part shall have constructed its inter-urban line from Decatur, Indiana to the city of Fort Wayne. It is further agreed by and between said parties to this contract that party of the first part is hereby authorized and empowered to grant a franchise to any person, company or corporation to occupy and use any part of said inter-urban or suburban railroad that may lie after same enters the limits of the city of Fort Wayne by annexation of territory by the Common Council, provided that such use shall be upon the terms and conditions provided in Section eight (8) of this contract. It is understood between the parties to this contract that the right of way herein granted to said party of the second part from Calhoun street to Grove avenue, is the right of way that was heretofore, by contract bearing date of April 21, 1900, approved by ordinance passed by the Common Council on the 26th day of June, 1900, granted to J. H. Simonson, Lewis J. Bobilya, Edward White, James M. McKay, John N. White, Asahel S. Coverdale, Christian C. Schlatter, William Geake, Franklin J. Wiss, William Keough, Terry R. Smith, Henry S. Thayer, and John D. Alden by party of the first part, and subsequently, on the 29th day of June

1900, to Fox Avenue, to George Townsend, William S Reed and Charles E Miller and that said first party, in granting the franchise herein agreed upon, does so under and by virtue of power reserved to it by in Section Eighteen of each of said franchises herein referred to. It is guaranteed to said first party that said road will be built within the time herein agreed upon and party of the second part covenants and agrees to deposit with the City Comptroller within ninety days from the approval of this contract, three thousand dollars ($3000.00) in cash to be forfeited to the said first party as stipulated damages in case said road is not built and in operation as provided in Section seventeen (17). It is agreed by and between parties to this contract that if said deposit is not made and the bond executed, as herein provided, then this contract shall be null and void.

It is agreed by and between the parties to this contract that all rights, privileges, conditions, limitations and obligations of the second party shall extend to and be binding on her successors and assigns.

L. B. McElhenny
Party of the Second Part.

The City of Fort Wayne by John Eggeman
J. A. Sinn
J. K. McCracken
Board of Public Works
Party of the First Part.

Attest:
Henry D. Hamming, C.C.

Section 1: Be it Ordained by the Common Council of the City of Fort Wayne, Indiana that the contract and agreement, heretofore, to wit: on April 11, 1901, made and entered into by the City of Fort Wayne, by and through its Board of Public Works of the city, and L. B. McElhenny, as fully set out in preamble hereto, be, and the same is, hereby in all things confirmed and approved.

Section 2: This Ordinance shall take effect

will be in full force from and after its passage and approval by the Mayor.

Done at the Council Chamber in the City of Fort Wayne, Indiana, this the 16th day of April, 1901

Attest
Henry B. Manning
City Clerk.

Approved April 20th 1901
Henry F. Scherer
Mayor

General Ordinance No 172

An ordinance providing for the installation of a permanent Air Lift plant at Water Works pumping Station No. 1.

Section 1: Be it ordained by the Common Council of the City of Fort Wayne, Indiana, that the Board of Public Works be and are hereby directed to established, erect and install a permanent air lift plant for the purpose of pumping water at said station. Said air lift plant to be of such capacity as may hereinafter be determined upon and provided for in contract entered into for the same.

Section 2: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the Council chamber in the City of Fort Wayne, Indiana, this the 23rd day of April, 1901.

Attest
Henry B. Morning
City Clerk

Approved April 27th 1901
Henry [illegible]

Introduced by. Wm Hosey. P. J. Scheid. Wm J. Lennart, H. Schwartz. Joseph F Zumbuch.

General Ordinance No 173.

Summary

An ordinance authorizing the employment of certain officers, clerks, assistants and employees, fixing the compensation, salaries and wages of certain officers, clerks and employees of the city of Fort Wayne, Indiana, repealing conflicting ordinances, and fixing the time when this ordinance shall take effect.

Section 1. Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that the officers, clerks, assistants and employees of the city of Fort Wayne, Indiana, shall receive for their respective services the compensation, salaries and wages as hereinafter in this ordinance provided.

The employment of such officers, clerks and assistants as are hereinafter named is hereby authorized, and the compensation and salary of such officers, clerks, and assistants are hereby fixed at the sums and amounts respectively named for such officers, clerks, and assistants.

Section 2. Such compensation and salaries of such officers, clerks, assistants and employees, shall be as follows.

The Mayor of the city of Fort Wayne, Indiana shall receive a salary at the rate of [illegible] thousand dollars per annum.

The city clerk of the city of Fort Wayne, Indiana, shall receive a salary at the rate of two thousand dollars per annum.

Each councilman of the city of Fort Wayne, Indiana, shall receive a salary at the rate of one hundred and fifty dollars per annum.

The city attorney of the city of Fort Wayne, Indiana, shall receive a salary at the rate of two thousand dollars per annum.

The comptroller of the city of Fort Wayne, Indiana, shall receive a salary at the rate of two thousand dollars per annum.

The [illegible] treasurer of the city of Fort Wayne, Indiana, shall receive a salary at the rate of eight hundred dollars per annum.

For the Department of Public Works.

The chairman of the Board of Public Works shall receive a salary at the rate of eleven hundred dollars per annum.

Two members of the Board of Public Works shall each receive a salary at the rate of one thousand dollars per annum.

The stenographer of the city of Fort Wayne, Indiana, shall receive a salary at the rate of forty dollars per month.

The city civil engineer of the city of Fort Wayne, Indiana, shall receive a salary at the rate of two thousand dollars per annum.

The assistant city civil engineer of the city of Fort Wayne, Indiana, shall receive a salary at the rate of eighty five dollars per month.

The superintendent of streets of the city of Fort Wayne Indiana shall receive a salary at the rate of seventy five dollars per month.

The foreman of street repairs of the city of Fort Wayne Indiana shall receive a salary at the rate of sixty dollars per month.

The janitor at the city building shall receive a salary at the rate of Fifty dollars per month.

The assistant janitor shall receive a salary at the rate of thirty five dollars per month.

The superintendent of parks shall receive a salary at the rate of seventy dollars per month.

For the Department of Public Safety.

Three members of the Board of Public Safety shall each receive a salary at the rate of four hundred dollars per annum.

The corporation master shall receive a salary at the rate of twenty five dollars per month.

The city pound master shall receive a salary at the rate of twelve dollars per month.

The city sign painter shall receive a salary at the rate of sixty dollars per month.

Employees of the Police Department shall receive the following salaries.

The superintendent of police shall receive a salary at the rate of thirteen hundred and twenty dollars per annum.

The captains of police shall receive a salary at the rate of one thousand dollars per annum.

The Lieutenant of police shall receive a salary at the rate of nine hundred dollars per annum.

Two sergeants of police shall each receive a salary at the rate of eight hundred and sixty dollars per annum.

The detective of police shall receive a salary at the rate of nine hundred dollars per annum and no extras.

Each patrolman shall receive a salary at the rate of sixty five dollars per month.

Two patrolwagon drivers shall each receive a salary at the rate of sixty dollars per month.

Two station clerks shall each receive a salary at the rate of fifty dollars per month.

The electrician shall receive a salary at the rate of forty dollars per month.

The lumane officer shall receive a salary at the rate of forty dollars per month.

Employees of the Fire Force shall receive the following salaries.

Each member of the fire force shall receive a salary at the rate of thirteen hundred and twenty dollars per annum.

Each engineer of the fire department shall receive a salary at the rate of eighty dollars per month.

Each captain shall receive a salary at the rate of seventy dollars per month.

The electrician shall receive a salary at the rate of fifty dollars per month.

Each fireman of "class A" shall receive a salary at the rate of sixty dollars per month.

Each fireman of "class B" shall receive a salary at the rate of sixty dollars per month.

Each fireman of "class C" shall receive a salary at the rate of fifty five dollars per month.

The telephone attendant at the central fire station shall receive a salary at the rate of fifty dollars per month.

For the Department of Public Health and Charities

The commissioner of Public Health shall receive a salary at the rate of sixteen hundred dollars per annum.

The three special sanitary policemen shall each receive a salary at the rate of fifty dollars per month.

Section 3. The compensations, salaries, and wages enumerated and provided for in the foregoing sections of this ordinance shall be paid out of the funds of the city treasury appropriated and to be appropriated for such purposes. Said salaries to be paid at the expiration of each month during the time of service.

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Passed at the council chamber this the 18th day of June 1901.

Approved June 19th, 1901.

Attest: Alb. Schmidt
City Clerk.

Tony E. Boyle
Mayor.

General Ordinance No. 174.

An ordinance approving the permit of the Board of Public Works to the Wabash Railroad Company to lay a railroad track across Fairfield Avenue.

Section 1. Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that the following permit be granted to the Wabash Railway Company by the Board of Public Works be and the same is hereby approved:

Permit of the Board of Public Works to Wabash Railway Company to lay a track across Fairfield Avenue.

The city of Fort Wayne, by and through its Board of Public Works does hereby, subject to the conditions hereinafter expressed, grant permission to the Wabash Railway Company, its successors and assigns, to lay and maintain a single track over and across Fairfield Avenue connecting said Company's boiler shops on the east side of said Avenue with said Company's round house on the west of said Avenue, for the period of twenty (20) years, and as much longer as the Board of Public Works and Common Council may thereafter authorize after the expiration of twenty years. The permission herein given is upon the following conditions, that the said railroad track so located and maintained shall not be used for moving thereon locomotives and cars, but used for trucks and wheels pushed by hand across the said street; that in the event a tunnel is constructed over and down said street, that said Wabash Railway Company, its successors and assigns will, if necessary by order of the Board, remove said track from over the said street or to so maintain it as not to interfere with the use of the street for a tunnel. That said company, its successors and assigns will construct and maintain such a crossing as will be approved by the Board of Public Works, and at all times protect the city of Fort Wayne from all and any liability growing out of the use of said street by said company, its successors and assigns for the purpose herein set out. That said company will before exercising any rights under this permit accept in writing the permission and the conditions thereto attached; that in case said company violates any of the conditions or refuses to comply therewith, that the said

Board of Public Works is authorized to remove the said track off of said street, and recover the costs therefor in an action against said company, its successors and assigns.

Witness our hands and seals this 13th day of August, 1901.

Peter Eggemann
Wm Dochtermann
H. C. Zollinger

Attest:
Chas. Schmidt, Clerk.

Section 2. This ordinance to be in full force and effect from and after its passage, approval by the Mayor and legal publication.

Passed at the council chamber of the city of Fort Wayne, Ind. this the 13th day of August, 1901.

Approved August 17th 1901

Attest:
Chas. Schmidt,
City Clerk.

E. E. Reynolds
Mayor.

General Ordinance No 175.

An ordinance fixing the time within which physicians and midwives, having in charge the birth of children within the city of Fort Wayne, shall report all births to the Department of Health, also fixing the time within which physicians and midwives shall register their names in the office of the Department of Health.

Section I. Be it enacted by the Common Council of the city of Fort Wayne, that physicians and midwives, having in charge and attending births of children within the corporate limits of the city, shall report such births to the Department of Health of said city within three (3) days thereafter. Be it further enacted that all physicians and midwives practicing their profession within the corporate limits of the city, shall register their respective names with the Department of Public Health within thirty days after the passage of this ordinance, also giving residence and place of business; in case of removal from one place to another in said city to notify the Department of Health of such change.

Section II. Any person violating or refusing to comply with the provisions of this ordinance shall be fined in any sum not exceeding fifty dollars ($50.00).

Section III. This ordinance to be in full force and effect on and after its passage, approval by the Mayor, and legal publication.

Rose at the council chamber in the city of Fortwayne, Ind., this the 16th day of September, 1901.

Approved September 14th, 1901

Attest: Aug. H. Schmidt
City Clerk

H. C. Zwick
Mayor.

General Ordinance No. 176.

An ordinance fixing the tax levy for city purposes for the year 1901.

Introduced by [illegible]

Section 1. Be it ordained by the Common Council of the city of Fortwayne, Indiana, that a levy of one dollar upon each $100.00 of assessed valuation of all the property within the corporate limits of the city of Fort Wayne, be made for the year 1901. That the above levy be divided as follows:

General purposes and interest	.96 cents.
Sinking Fund	.05 cents
Anthony Wayne Monument Fund	.00¼ cents
Firemens Pension Fund	.01 cent
Municipal Electric Light Fund	.07½ cents
Market Fund	.00¼ cents
Total	$1.00.

Also that there shall be collected from each male inhabitant liable by law a poll tax of $2.00

Also that every person owning or harboring any dog on the first day of April shall pay to the city of Fortwayne through the township assessor $1.00 for each male dog, and $2.00 for each female dog and $1.50 for each additional male or female dog so owned or harbored.

Section 2. That all taxes shall be collected by semi-annual installments.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Rose at the council chamber in the city of Fortwayne, Ind., this the 26th day of September, 1901.

Approved September 30th, 1901.

Attest: Aug. H. Schmidt
City Clerk.

H. C. Zwick
Mayor.

General Ordinance No 177.

An ordinance to change the name of that part of East Main street between Lafayette and Clay streets to that of Old Fort Place.

Introduced by Frank Baker, Jun. 7, 1901.

Section 1. Be it enacted by the Common Council of the city of Fortwayne, that all that part of East Main street between the east line of Lafayette street and the east line of Clay street be named "Old Fort Place".

Section 2. This ordinance to be in full force and effect from and after its passage and approval by the Mayor.

Passed at the council chamber in the city of Ftwayne, Ind., this 8th day of October, 1901.

Approved October 12th 1901.

Attest: [illegible]

[signature] Mayor.

General Ordinance No 178.

An ordinance to ammend Section three (3) of an ordinance entitled "An ordinance regulating the construction of vaults" approved January 26th, 1900.

Introduced by E. J. Chrisman

Section 1. Be it enacted by the Common Council of the City of Fortwayne, that Section three (3) of an ordinance entitled "An ordinance regulating the construction of vaults" approved January 26th, 1900, be ammended to read as follows:

All privies constructed of improper material or located in improper places, or suffered to become so full, or to emit noxious or offensive smells, shall be deemed a nuisance, if injurious to health, comfort and convenience. Any owner or lessee of premises whereon such nuisance is situated shall be liable to the penalty herein provided for the violation of this ordinance. Any person violating any of the provisions of this ordinance shall be fined in any sum not to exceed twenty dollars.

Section 2. This ordinance to be in full force and effect on and after its passage, approval by the Mayor and legal publication.

Approved October 12th 1901.

Attest: [illegible]

City Clerk.

[signature] Mayor.

General Ordinance No 179.

Introduced by John C. Gigel.

An ordinance requiring any person, company or corporation operating street railways, to keep clean the streets portions of the street which they occupy.

Section 1. Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that any person, company or corporation who is now operating or may hereafter operate any street or suburban railway over and along any of the streets or public highways of the said city of Fort Wayne, shall be required to keep clean and free from dirt so much of such streets and public highways over which any street or interurban railway may pass as lies between the parallel lines drawn and extending one foot outside of their respective tracks; in case such railroads pass over paved streets, the person, company or corporation, shall cause the dirt and street cleanings to be removed from along the line of their respective tracks herein described and place the same in heaps to be removed so as not to interfere with the free and unobstructed use of the streets and public highways by the public; and when such railroads pass over and along streets and public highways not paved the dirt and street cleanings shall be so removed from along the line of said tracks and be distributed uniformly over the surface of such streets along said line. And in all cases when it becomes necessary to remove snow, sleet, or ice from such railway tracks the same shall be distributed over the surface of the streets so that it will in no manner interfere with the free use and occupation of the street by the public. Provided, always, that no portion of the snow sleet, or ice removed from off the track shall be placed or allowed to remain upon the cross walks; and provided further that if any such person, company or corporation shall use a sweeper to remove the snow from off their tracks, that the speed of the car operating such sweeper shall be limited to three (3) miles per hour, so as not to throw the snow upon the adjoining sidewalks.

Section 2. Any person, company or corporation violating any of the provisions of this ordinance shall be fined in any sum not to exceed fifty (50) dollars.

Section 2. Any person, company or corporation violating any of the provisions of this ordinance shall be fined in any sum not to exceed fifty [illegible]

Section 3. This ordinance to be in full force and effect from and after its passage, approval by the Mayor and legal publication.

Approved October 24th 1901

Attest: A.M. Schmidt.

H. C. Bytoff Mayor.

General Ordinance No 180.

An ordinance requiring railway companies to maintain safety gates and to provide flagmen at certain crossings within the corporate limits of the city.

Introduced by D. J. Bauer, E. C. Miller, H. M. Rothman

Section 1. Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that the Kinsey Transit Company is hereby required to erect and maintain safety gates on each side of its tracks where the same cross Walton Avenue and Webster street in the city of Fort Wayne, Indiana.

Section 2. That the Wabash Railroad Company is hereby required to erect and maintain safety gates on each side of its track where the same crosses Taylor street in the city of Fort Wayne, Indiana.

Section 3. That the New York Chicago and St Louis Railroad Company is hereby required to erect and maintain safety gates on each side of its track where the same crosses Clay street in the city of Fort Wayne, Indiana.

Section 4. That the New York, Chicago and St Louis Railroad Company is hereby required to place a flagman at the crossing of its tracks with Erie street within the city of Fort Wayne, Indiana.

Section 5. Said flagmen shall be provided with proper and conspicuous signals, and shall give proper and timely notice of the approach of any train, locomotive or car to all persons about to cross said track, and said flagmen shall prevent any person from standing on any track

on said crossings. For this purpose all flagmen shall be clothed with police power.

Section 6. Reliable and competent men shall be employed as flagmen, or to operate said gates; and shall remain at their post of duty from 6 o'clock A.M. to 9.30 o'clock P.M. on each and every day that trains are running; provided however, that at the Walton Avenue crossing a watchman shall be on duty during every hour of the day and night, and at the Ewing street crossing the said flagmen shall be on duty from 7 o'clock A.M. to 6 o'clock P.M.

Section 7. Each of said companies named in sections 1, 2, 3, and 4 of this ordinance failing to erect and maintain safety gates, or to place flagmen at the crossings required, shall be fined in the sum of ten (10) dollars upon complaint of any citizen before the Judge of the Municipal Court, and every day these crossings are allowed to remain unprotected and without said gates or flagmen shall be deemed a seperate offense.

Section 8. The said railroad companies herein designated are hereby given ninety (90) days in which to put in operation the gates hereinbefore ordered erected; provided however that during such time flagmen shall be kept at all crossings herein mentioned to guard the same.

Section 9. This ordinance to be in full force and effect on and after its passage, approval by the Mayor, and legal publication.

Passed at the Council Chamber in the City of Tacoma this the 22nd day of October, 1901.

Approved this 24th day of October, 1901.

Attest: A.L. Schmidt
City Clerk.

Mayor

General Ordinance No 181.

(An ordinance for the protection of Public Parks, and animals and birds placed therein.

Section 1. Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that the parks shall be open to the public from 5 A.M. until 11 P.M. and no person other than employees shall be permitted to remain there except when open as herein specified; and no person at any time shall enter or leave any park except by the established entrances, walks, or drives.

Section 2. No person shall take down, climb over, interfere with, disturb, or displace any rails, poles, boards, chains or fences, enclosing any public park or place.

Section 3. No person shall pull, pluck, break, or touch any flowers or fruit, whether wild or cultivated cut down, girdle or break down any sapling, tree, shrub or plant, break or bend limbs or branches of trees, or bark trees, or pluck, handle or injure any tree, flowers, shrubs or plants whatever, or limbs, twigs or leaves thereof, or climb any tree in any public park.

Section 4. No person shall drive or ride any horse or team, or any animal used for driving or riding within the parks or park-ways at a gait faster than an ordinary and moderate trot.

Section 5. No cart wagon or dray, truck or other vehicle carrying stone, brick, manure, soil, goods, merchandise, or other articles shall be allowed to enter or drive in the parks, or upon any drive therein, nor to pass along or through any of the sidewalks and pleasure drives; and no truck or vehicle usually used for any of the purposes aforesaid shall be allowed to enter or drive in or upon the parks or any road or drive within the same. Provided that this section shall not apply to vehicles, loaded or unloaded, employed by the Board of Public Works in the maintenance or improvement work of the parks or park-ways, and except to persons driving into Swinney Park for the purpose of procuring water from the flowing well therein.

Section 6. No person shall hitch or fasten any horse or any other animal to any tree in any of said parks or park-ways, or to any case, box or stake securing such tree, nor leave a horse untied, or tied within reach of any tree, and no person shall turn out or permit any horse or other animal to run at large in any parks or upon any of said park-ways.

Section 7. No person shall ride a bicycle over and along any walk in Swinney Park leading from bicycle track to the flowing well.

Section 8. When carriages, equestrians, or cyclers meet they shall respectfully keep to the right.

Section 9. No person shall ride or drive upon the grass footways, or elsewhere than on the roads for the use of carriages, equestrians and cyclers.

Section 10. That all bicycle riders upon the bicycle tracks in any of the parks in said pleasure driveway and park district of Fort Wayne, shall go in one direction, always turning to the left, keeping the inside curve of the track to the left of the rider, and the riding of a bicycle upon any of said tracks in any other direction shall be deemed a violation of this ordinance. All riders shall leave said tracks at the nearest entrances. All riders upon any of the driveways and bicycle tracks in said parks shall stop when called upon to do so by any officer of the park district. Upon such days as may be indicated by the park officers upon cards posted in the parks, there shall be no riding upon the bicycle tracks faster than at the rate of eight (8) miles an hour.

Section 11. No person shall discharge any fire arms, or have possession of any fire arms within the limits of any public parks.

Section 12. No person shall use profane, obscene, threatening or abusive language, or fight or throw any stone or missile, or behave in a disorderly or improper manner, or commit any offense against decency or good morals in any public park.

Section 13. No person not an employee shall make a fire for any purpose within the bounds of any public park and no person shall chase, catch, injure, molest, or disturb any animal, bird or fish kept within any public park for the use, instruction or entertainment of the public, nor shall any person give or offer to give any such animal tobacco or other noxious articles.

Section 14. No person being the owner or having control of the same shall suffer or permit any chickens, ducks, geese, boys, cattle, horses, sheep, or goats or other animals or fowls to stray into, run at large or trespass upon any public park grounds.

Section 15. No picnic shall take place in any public park without a written permit of the Board of Public Works in which shall be designated the place where it is to be held. Picnics permitted for sunday or secular schools must always be accompanied by their respective teachers and masters, who will be held personally responsible for all infringements by the scholars of these rules and regulations. No person shall intrude him or herself upon a picnic without consent of those in charge of it, nor disturb any picnic within said parks. Parties holding picnics in the said parks must clean up the ground that they have occupied by them, on quitting it, and remove all litter.

Section 16. No person shall be allowed to sleep on the benches or grass of any public park, nor to beg, to tell fortunes, to play at any game of chance with any instrument of gaming whatsoever and gambling in any form and playing cards is prohibited in the public parks.

Section 17. No person shall introduce spirituous, malt or fermented liquors into any public park, either for his own use or for sale, nor use, sell, give away the same.

Section 18. No person shall bring a dog into any public park.

Section 19. No military, civic or other company shall be permitted to parade, drill, or perform within any park, any military evolutions or movements without the consent of the Board of Public Works and no public meetings or public discussions of any subject religious, social, political or other of any kind, shall be held

within the limits of any park without the consent of the Board of Public Works.

Section 20 No person shall go upon the grass, lawn or turf of any parks where signs inscribed "Keep off the Grass" have been posted by the superintendent

Section 21. All persons are forbidden to carry watermelons into any public parks.

Section 22. No person shall bathe, wash or fish in, or go or send or ride any animal into any waters of any park, nor disturb any of the fish, water fowls or other birds or animals preserved therein, nor throw stones or rubbish of any kind into any lake, pond, stream or fountain, or any roadway of any public park.

Section 23. No benches or seats shall at any time be removed or changed from their places in the said parks without permission to do so having been obtained from the superintendent.

Section 24. No intoxicated person shall be permitted in any public park.

Section 25. No person shall dig remove or carry away any wood, gravel, sand, turf or earth from any public park.

Section 26. No person shall place or deposit any dead carcass or dung, filth, dirt, stones, or other matter or substance in any public park.

Section 27. No person shall hang, post, place or put any bill, notice, sign, placard or other incumbrance on any tree fountain, post, railing, fence or other erection in or surrounding any public park.

Section 28. The person or persons in charge of the public parks or grounds shall have and possess the powers of policemen; and it is hereby made the duty of such person or persons to observe that the provisions of this Ordinance are strictly complied with, and to make no complaint to the judge of the Municipal Court for any violations of its provisions.

Section 29. Any violation of the provisions of this ordinance shall be punished by a fine not to exceed fifty (50) dollars.

Section 30. This ordinance to be in full force and effect from and after its passage, approval by the mayor, and legal publication.

Passed in open council, in the city of Ft Wayne, Ind., this 22nd day of October, 1901.

Approved this 24th day of October, 1901.

Attest: Allen Schmidt

Clerk.

Geo. B. Hoffman

Mayor.

General Ordinance No 182.

Subject: Overhead Wires.

An ordinance requiring all street railroad or traction companies maintaining feed wires over and along streets and alleys of the city of Fort Wayne, to place the same in underground conduits.

Whereas, the overhead feed wires used by street railroad and traction companies over and along streets and alleys of the city of Fort Wayne for transmission of power in the operation of cars, endanger life and property and materially obstruct the use of the public highways.

Therefore, Section 1. Be it enacted by the Common Council of the City of Fort Wayne, that all feed wires now maintained by any street railroad or traction company over and along any street or alley within the city of Fort Wayne, and used for the transmission of electricity in the operation of cars shall by such companies, be placed in underground conduits in such streets and alleys, as may be designated by the Board of Public Works. And that hereafter, it shall be unlawful to erect or maintain overhead feed wires in any of the streets or alleys within the city. To the end that such work may be done, it is hereby made the duty of the Board of Public Works to serve written notice upon any street railroad or traction company maintaining and using feed wires on streets designated, to come before said Board and account for the condition of such underground conduits. That six months is hereby given from and after the taking effect of this ordinance, in which any street railroad or traction company may do the work and make the changes herein designated and required.

Section 2. Any person, company or corporation failing or refusing to comply with any or all of the provisions of this ordinance, shall be fined in any sum not exceeding three dollars ($3.00) nor exceeding fifty dollars ($50.00), and each day that ~~any~~ any company refuses to comply with the provisions herein, shall constitute a seperate offense.

Section 3. This ordinance to be in full force and effect on and after its passage, approval by the mayor and legal publication.

Done at the council chamber in the city of Fort Wayne, Indiana, this 26th day of November, 1901.

Approved November 30th, 1901.

Attest:
Wm. Schmidt, City Clerk.

Mayor.

General Ordinance No 183.

Ordinance in regard to R.R. crossings. An ordinance regulating the driving over of railroad crossings at such times when safety gates are down or being put down.

Section 1. Be it enacted by the common council of the city of Fort Wayne that it shall be unlawful for any person or persons to drive over or attempt to drive over any railroad crossing within the corporate limits of the city, at which safety gates are maintained, if at the time of such crossing or attempted crossing said gates are down or are being put down by any employee of any railroad company having control of said gates; it shall also be unlawful for any person to drive against any safety gate maintained by any railroad company at any railroad crossing when the gate is up.

Section 2. Any person violating any of the provisions of this ordinance shall be fined in any sum not exceeding fifty dollars.

Section 3. This ordinance to be in full force and effect on and after its passage, approval by the mayor, and legal publication.

Done at the common chamber in the city of Fort Wayne, Indiana, this the 26th day of November, 1901.

Approved November 30th, 1901.

Attest: Wm. Schmidt
City Clerk.

Mayor.

General Ordinance No 184.

An ordinance to amend Section one (1) of an ordinance entitled "An ordinance fixing the fire limits within the city of Fort Wayne, prohibiting the character and class of buildings that may be erected therein, and providing for the notation thereof."

Section 1. Be it ordained by the common council of the city of Fort Wayne that Section one (1) of the above entitled ordinance be amended to read as follows:

That all that part of the city of Fort Wayne, embraced within the following limits, shall be known as the fire limits of said city to wit: Beginning at the intersection of Superior and Lafayette streets, thence south along said Lafayette street to Columbia street; thence east on Columbia street to Barr street; thence south on Barr street to Main street; thence west on Main street to Lafayette street; thence south on Lafayette street to Wayne street; thence east along Wayne street to Barr street; thence south on Barr street to Jefferson street; thence west on Jefferson street to Union street; thence south on Union street to the tracks of the Pittsburg, Fort Wayne and Chicago Railroad, thence west along said tracks to its intersection with Harrison street; thence north on Harrison street to Main street; thence west on Maine street to Webster street; thence north on Webster street to Superior street to place of beginning.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval by the mayor.

Read at the Council Chamber in the city of Fort Wayne this the 26th day of November, 1901.

Attest: Allen Schmidt
City Clerk.

Approved November 30th 1901

Hiel Brentlinger
Mayor.

General Ordinance No 185.

An ordinance confirming and approving a certain agreement and contract made and entered into this 10th day of December 1901 by and between the city of Fort Wayne, through its Board of Public Works, and the Fort Wayne and Southwestern Traction Company.

Whereas, heretofore to wit on December 10th 1901 the Board of Public Works of the city of Fort Wayne, State of Indiana, did and on behalf of the city of Fort Wayne, entered into the following agreement and contract, viz:

This agreement entered into this 10th day of December, 1901 between the city of Fort Wayne, by and through its Board of Public Works, party of the first part, and the Fort Wayne and Southwestern Traction Company, party of the second part, Witnesseth:

That, whereas, the party of the second part has by assignment succeeded to all the rights and obligations in a certain franchise and contract entered into and granted by the city of Fort Wayne to George Townsend, William F. Reed, and Charles C. Miller, bearing date December 27, 1900, which contract and franchise was approved by ordinance of the common council on December 1st 1900.

And whereas, the party of the second part has now completed its railroad between the city of Huntington and Fort Wayne, and some distance into the city of Fort Wayne.

And Whereas, the party of the second part is desirous of being granted the permission of constructing and maintaining for the period of one year from this date, a spur track on Bass street as a "Y" from Fairfield Avenue, for the purpose of turning its cars; and is also desirous of being granted permission to place and maintain wooden poles on Bass street from the Wabash Railroad to the city limits, the same to remain only until June 1st, 1902.

1. Therefore it is agreed, and the party of the second part, its successors and assigns, is hereby granted permission and authority to construct a spur track upon Bass street commencing at Fairfield Avenue, and running thence east not to exceed one hundred and fifty (150) feet, and connect the same with the track of the second party on Fairfield Avenue, with suitable curves in each direction thus forming a "Y"; also to construct such necessary poles and wires

for the use and necessary to operate the same for the purpose of transporting the cars of the parties of the second part and permission is given to use wooden poles in constructing said spur.

2. That said "Y" and all its appurtenances hereby authorized is for temporary use only, and within one year from this date, all rights herein granted shall cease, and the party of the second part shall take said time remove said "Y" and all appurtenances constructed under this contract, and restore said street to its present condition.

3. That the work done under this contract in the construction of said "Y", and appurtenances thereto, as herein granted, shall be done in accordance with the provisions of said franchise bearing date December 2nd, 1901, so far as the same relates to the manner of construction, and the supervision thereof by the Board of Public Works, and City Civil Engineer.

4. It is agreed and understood, that in constructing said "Y", a "T" rail may be used.

5. It is further agreed that the second party for themselves and their heirs, and assigns, shall faithfully carry out this contract and perform each and every agreement herein contained, and shall fully protect and hold harmless the City of Fort Wayne from any loss or liabilities growing out of any act of the parties of the second part in the construction and operation of the track hereby authorized.

6. It is further agreed that in the use of the "Y" track herein authorized to be laid, said parties of the second part will not use the same for storing cars thereon, nor will it be used in such a way as will in any way unnecessarily obstruct the use of the sidewalk crossing on the east side of Fairfield Avenue.

7. It is agreed as to so much of the line of railway of the party of the second part on Taylor street west of the Wabash Railroad, that the party of the second part may

use wooden poles in the construction thereof, and maintain the same until the first day of June, 1912, at which time the said wooden poles shall be replaced by iron poles as provided in said franchise bearing date of November 27th 1900, under which the party of the second part is constructing its railroad within the limits of the City of Fortwayne.

In witness whereof we have hereunto set our hands and seals this 10th day of December, 1901.

City of Fortwayne
By its Board of
New Public Works
H.C. Spitzley,
Board of Public Works

Attest: A.M. Schmidt,
Clerk.

Fortwayne and Southwestern Traction Company.
By J. C. Nelson
Vice President.

Section 1. Be it ordained by the common council of the city of Fortwayne, Indiana, that the contract and agreement entered to wit on December 10th, 1901 made and entered into by and between the city of Fortwayne by and through its Board of Public Works, and the Fortwayne and Southwestern Traction Company, as fully set out in the preamble hereto, is and the same is hereby in all things approved.

Section 2. This ordinance shall take effect and be in full force on and after its passage and approval by the Mayor.

Done at the council chamber in the city of Fortwayne, Indiana, this the 13th day of December, 1901.

Approved December 17th, 1901

Attest: A.M. Schmidt
City Clerk.

[illegible]
Mayor.

General Ordinance No 186.

Introduced by C. P. Lodell.

An ordinance requiring railway companies to provide flagmen at certain railroad crossings within the corporate limits of the city.

Section 1. Be it ordained by the common council of the city of Fort Wayne, that the Lake Erie and Western Railroad Company is hereby required to place a flagman at the crossing of its tracks with Fourth Street within the city of Fort Wayne Ind.

Section 2. That the Lake Erie and Western Railroad Company is hereby required to place a flagman at the crossing of its tracks with all streets within the city of Fort Wayne Indiana.

Section 3. Said flagman shall be provided with proper and conspicuous signals and shall give proper and timely notice to all persons about to cross said tracks of the approach of a locomotive or car, and said flagmen shall prevent any person from standing on said track upon said crossings. For this purpose all flagmen shall be clothed with police power.

Section 4. Reliable and competent men shall be employed as flagmen and shall remain at their posts of duty from six (6) o'clock AM. to six (6) o'clock PM. on each and every day that trains are running.

Section 5. Either company named in sections one and two of this ordinance failing to place a flagman at the crossings required shall be fined in the sum of ten dollars, upon complaint of any citizen before the judge of the Municipal Court, and any and either of the crossings also allowed to remain unprotected and without a flagman, shall be deemed a seperate offence of the company violating said ordinance.

Section 6. This ordinance to be in full force and effect on and after its passage, approval by the Mayor, and legal publication.

Done at the council chamber in the city of Fort Wayne, Indiana, this the 28th day of January, 1902.

Approved January 30th, 1902.

Attest: Wm Schmidt,
City Clerk.

H. B. Byrne
Mayor.

General Ordinance No 187.

Authorized by Council

An ordinance confirming and approving a certain agreement and contract made and entered into December 27th 1901 by and between the city of Fort Wayne through its Board of Public Works, and the Indiana and Ohio Traction Company.

Be it ordained by the Common Council of the City of Fort Wayne, Indiana:

That an agreement entered into this 27th day of December 1901 by and between the city of Fort Wayne, party of the first part and the Indiana and Ohio Traction Company, party of the second part, witnesseth:

That whereas, to wit on the 21st day of May 1900 the city of Fort Wayne by and through its board of public works entered into a contract with James H. Simpson Edward White, Jas. M. McKay, John M. Weir, Armand Wertzler C. C. Callaller Wm Treacke E. P. Wild, Wm Yarough, P. [illegible] Simon Kruse, S. Thayer, John Olds, wherein certain rights and privileges for interurban street car purposes were granted over certain streets of the city of Fort Wayne, and whereas said contract was duly assigned, transferred and set over to the Indiana and Ohio Traction Company and whereas by section 17 of said contract, the said line was to and should have been completed between the towns of Hicksville, Ohio and Huntington, Indiana, through Fort Wayne within eighteen (18) months after the approval of said contract by the council of said city, which contract was approved by said council June 30th 1900 and

Whereas, on account of unavoidable delay and of circumstances over which said Indiana and Ohio Traction Company has no control, said company was unable to complete said line within the time required in section 17 of said contract. Therefore it is agreed by and between the city of Fort Wayne, by and through its board of public works, party of the first part, and the Indiana and Ohio Traction Company party of the second part, that the time of completion of said interurban road as required in section 17 of original contract is hereby extended until the 30th day of June 1902, upon the following conditions: That said second party the Indiana and Ohio Traction Company, will yield and it does hereby yield, title, interest in that portion of the right of way granted by the terms of the contract herein extended between the following points, to-wit: On Columbia street from the east line of Lafayette street to the west line of Calhoun street, provided that from the

right of occupancy by said second party of said portion, right to the time of ordering [illegible] of said tract not, to it shall have granted to any person, company or corporation to [illegible] railroad tracks [illegible] said right of way [illegible] any part thereof and occupancy [illegible] thereof

provided, that it shall be the duty of the said party of the second part to [illegible] that the tracks laid under such second party are subject to use by the Indiana and Ohio Traction Company, upon terms to be agreed upon between the said Indiana and Ohio Traction Company, if said and the Indiana and Ohio Traction Company, if said and is required during the term of the extension herein given, otherwise not.

And upon further condition that if said second party shall build its own line over any portion of the right of way granted in contract hereby extended and after any tract occupied has been paid prior thereto, that said Company will have to adjoining property owners, such a part of the cost of said easement as it would have been required to have furnished that of said easement had been laid subsequent to the occupancy of such tract under section five (5) of the contract.

It is further agreed by and between the said parties that during such time as extension said Indiana and Ohio Traction is vested with all the rights and privileges subject to all the limitations and restrictions in the contract hereby extended during the period of the extension of time herein granted, except as otherwise provided by the terms of this agreement.

Indiana and Ohio Traction Co.
By J.H. Simonson, Pt.

John Alde
Secy.

The City of Fort Wayne Indiana.
By Peter Eggeman
Wm. Bohnemann
H.C. Zollinger
Board of Public Works.

Attest: Alb Schmidt
Clerk.

Section 1. Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that the contract and agreement entered into to wit on the 27th December 1901, made and entered into by the city of Fort Wayne, by and through its Board of Public Works

of the city and the Indiana and Ohio Traction Company, in and through its officers, as fully set out in the transfer hereto, is and the same is hereby in all things confirmed and approved.

Section 2. This ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

Done at the council chamber this the 25th day of February, 1902.

Approved February 26th, 1902.

Albert O. Allebrandt
Clerk.

Charles B. Zollinger
Mayor.

General Ordinance No 155.

Introductory remarks. An ordinance to regulate the burial of the dead.

Section 1. Be it enacted by the Common Council of the city of Fort Wayne, Indiana, that no death certificate shall be valid unless signed by the coroner or a regularly licensed physician.

Section 2. It shall be unlawful for any person to allow the dead or unembalmed body of any human being to remain unburried for a longer period than three (3) days without special permission from the Health Commissioner of the city, nor shall any person allow the dead body of any human being to be exposed or retained for any time whatever to the peril or prejudice of the life or health of any person.

Section 3. It shall be unlawful for any undertaker, or other person to remove any corpse for burial without first having obtained a permit from the department of Health, which permit shall not be given until there is filed with such department a certificate signed by the attending physician or by the coroner, where the case comes under the jurisdiction, setting forth the facts required in section (9) nine of this ordinance. It shall be the duty of any such attending physician or coroner to file such a certificate within twenty four hours of the death of the person in charge as in section nine (9) provided.

Section 4. It shall be unlawful to bring into the city of Fort Wayne the body of any person having died from any infectious disease without a special permit.

Section 7. It shall be the duty of any and all persons having charge of articles used at funerals of persons who died from any infectious or contagious disease to have the same properly disinfected.

Section 8. The undertaker having charge of bodies dying from smallpox, scarlet fever or other pestilential diseases, shall in case burial, the body to be disinfected, wrapped in a sheet wet with a solution of bichloride of mercury 1 to 500, and placed immediately in a coffin, the inner surface of which must be lined with raw cotton and made absolutely tight and not opened, the body of a person dying from an infectious or contagious disease shall be placed in ice boxes.

Section 9. No body of a person having died from an infectious or contagious disease shall be removed from the city of Fort Wayne until a permit be taken in a course for burial in a cemetery adjacent to such city, unless said body is hermetically sealed in a metalic case, and no such body shall be brought into or through such city for burial in the city or in an immediate adjacent cemetery, unless said body is similarly enclosed.

Section 10. Whenever a permit for burial is applied for in case of a death without the attendance of a physician, or if it is impossible to obtain a physicians certificate, it shall be the duty of the coroner to investigate the cause and circumstances of such death, to make and sign the certificate required by section nine (9) of this ordinance.

Section 11. Whenever any person shall die within the city of Fort Wayne it shall be the duty of the physicians attending such person during his or her last illness, or of the coroner, when the same comes under his notice or jurisdiction, to furnish and deliver to the undertaker, or other person superintending the burial of said person, (or file directly in the office of the Health Commissioner) a certificate duly signed, setting out as far as the same can be ascertained, the name, age, color, sex, nativity (giving state or country) occupation, whether married or single, duration of residence in such city, cause, date and place of death, (giving street and number) and duration of last sickness of such deceased person and it shall be the duty of the undertaker or other person in charge of the burial of said deceased person to state in said certificate the date and place of burial, and to file the same in the office of the Health Commissioner within twenty four hours after said death. Provided that in case of death from smallpox, scarlet fever, malignant diphtheria or other pestilential disease, said certificate shall be so made and filed immedia-

after such death.

Section 10. The Health Commissioner shall have the power to close or cause to be altered any vault or other receptacle for the dead, if in his judgment such action is for the interest of the public health.

Section 11. No permit will be granted for the burial from returns of still births, unless said returns are certified by a registered physician.

Section 12. No person, company or corporation shall embalm any dead body without a written certificate from the attending physician or coroner that there are no facts attending the illness and death of the person that would preclude such embalming from a medico legal standpoint, and without first obtaining a permit from the Health Department.

Section 13. Any person violating any provision of the ordinance or failing to comply with the duties therein required, shall upon conviction be fined in any sum not exceeding fifty dollars.

Section 14. This ordinance to be in full force and effect on and after its passage, approval by the mayor and legal publication.

Done at the council chamber in the city of Fort Wayne, Indiana, this the 22nd day of April, 1902.

Approved this the 26th day of, April, 1902.

Attest: A.L. Schmidt
City Clerk.

H. C. Bosse
Mayor.

General Ordinance No 189.

Introduced by E.E. Miller

An ordinance confirming and approving a supplementary agreement and contract made and entered into the 21st day of April 1902 by and between the city of Fort Wayne through its Board of Public Works, and the Fort Wayne and Southwestern Traction Company.

Whereas, on or on April 21st 1902, the Board of Public Works of the city of Fort Wayne, State of Indiana, on behalf of the city of Fort Wayne entered into the following agreement and contract, viz.

This agreement, made and entered into this 21st day of April, 1902, by and between the city of Fort Wayne, Allen County, Indiana, hereinafter called the city, by said through its Board of Public Works party of the first part, and the Fort Wayne and Southwestern Traction Company, a corporation duly organized, party of the second part, witnesseth:

Whereas, the party of the first part entered into a contract with George Townsend, William J. Reed and Charles C. Miller, which contract bears date of November 5th, 1900, and was duly approved by the Common Council of the city of Fort Wayne by ordinance duly passed December 10th, 1900, which contract is fully set forth in Ordinance Record 1, pages 432, and grants unto said Townsend, et al, and Miller, their heirs & assigns the construction and location of an electric railroad upon and over certain streets named in said contract and under the conditions, limitations & obligations set forth in said contract; and

Whereas said George Townsend, William J. Reed and Charles C. Miller have duly assigned to the party of the second part the Fort Wayne and Southwestern Traction Company all their right, title and interest in and to said contract; and said Fort Wayne and Southwestern Traction Company have, by assignment aforesaid succeeded to all the rights, privileges and obligations of said Townsend, Reed, and Miller in and to said contract.

Whereas, it is desired to make certain changes and additions to said contract, as hereinafter specifically set forth; now, therefore it is agreed

1st. - That the route specified in said franchise shall be extended on Harrison street to the north line of Main street, being the intention to confer upon the rights and permission to the Fort Wayne and Southwestern Traction Company, under the terms of its said franchise to construct its railroad on Harrison street south to the north line of Main street and to connect its tracks on Harrison street with its tracks on Pearl street as to form a "Y".

2. That said franchise shall be modified in this: that the said Fort Wayne and Southwestern Traction Company shall not be required to use flange rails in the construction of its railway under said franchise, except on Harrison and Columbia streets.

3. It is further agreed that the party of the second part will complete its railway in the city as far as Harrison street within ninety days from the approval of this contract by the Common Council, unless delayed by injunction or other legal proceedings, strikes or causes beyond the control of the said party, and completed on Harrison and Columbia streets as far as Calhoun street within four months.

4. It is agreed ... and between the parties hereto that all the rights, privileges, conditions, limitations and obligations of the second party shall extend to and be binding upon the successors and assigns of the second party. It is also further agreed that in the periods fixed in this ordinance necessarily modified ... this contract referred to shall continue in building force and effect.

In witness whereof we have hereunto set our hands and seals this 21st day of April, 1902.

Fort Wayne and Southwestern Traction Company
The City of Fort Wayne, Ind., by S. L. Nelson, Vice President
by Peter Eggemann Party of the second part
Wm. Dethenmann
W. C. Sollinger
Board of Public Works, party of the first part.

Attest: Alb. Schmidt, Clerk.

Section 1. Be it ordained by the Common Council of the city of Fort Wayne, Indiana that the supplementary contract and agreement entered into on April 21st 1902, made and entered into by the city of Fort Wayne, by and through its Board of Public Works of the city and the Fort Wayne and Southwestern Traction Company by and through its proper officers, as fully set out in the preamble hereto, be and the same is hereby in all things confirmed and approved.

Section 2. This ordinance shall take effect and be in force from and after its passage and approval by the mayor.

Done at the council chamber in the city of Fort Wayne, Indiana, this the 22nd day of April, 1902.

Approved this the 26th day of April, 1902.

Attest: Alb. Schmidt
City Clerk.

General Ordinance No. 190.

Substituted by ...

An ordinance to ammend section one and two and repeal sections three and four of General Ordinance No 140 entitled "An ordinance regulating the building and maintaining of partition fences."

Section 1. Be it enacted by the Common Council of the city of Fort Wayne that section one (1) of an ordinance entitled "An ordinance regulating the building and maintaining of partition fences" be ammended to read as follows."

Section 1. It shall be the duty of owners or occupants of every occupied lot or parcel of ground in the city of Fort Wayne for [illegible] from demand one half (1/2) the then value of any partition fence heretofore constructed and maintained at the expense of the owner by any adjacent occupied lot or parcel of ground, and to construct and maintain one half (1/2) of a partition fence on the line between such lot or parcel and any adjacent occupied lot or parcel where no fence or wall exists within thirty days from receipt of a notice request by the owner of such adjacent lot or parcel so to do, or to pay to such adjacent owner one half (1/2) the cost of construction of or thereto to such partition fence whenever reconstructed or repaired by such adjacent owner; provided however, that the maximum limit of in such then value or cost of construction, shall in no case exceed the cost of construction of a board fence on such line four (4) feet high of sound strong pine boards nailed on cross pieces set in good round sound wooden posts of not less than 3 square inches in area at the smallest cross section set eight feet apart from center to center. Every person shall perform his duty as above set forth and any person violating any of the provisions of this section shall be fined in any sum not exceeding $100.00.

Section 2. That section two (2) of said ordinance be ammended to read as follows:

Section 2. A "partition fence" within the meaning of this ordinance is any open or closed fence on the actual or required line of division between two adjacent occupied lots or parcels of land in the city of Fort Wayne, Indiana, built by or for any owners or occupants of either or both such lots or tracts; provided the same is constructed of wood, barbless wire, or iron on substantial posts not less than six (6) nor more than nine (9) feet in length and three (3) feet in the ground, with no opening exceeding six (6) inches in width; and provided further, that if hereafter any

the posts shall be set on the easterly or southerly side of the dividing line and the boards or other fencing material attached to the northerly or westerly side thereof at right angles, and that no such fence shall exceed six (6) feet in height.

"Occupied" as used herein signifies actually used in part or entirely for profit convenience or pleasure, either continuously or for not less than four (4) weeks per annum.

"Occupant" signifies any person who is in fact with the consent has occupied such lot or parcel of ground for at least ten (10) days prior to and is still in the occupancy thereof at the time of such request for construction or repairs.

Section 3. That sections three and four (3 and 4) of said ordinance be repealed.

Section 4. This ordinance to be in full force and effect from and after its passage, approval by the Mayor, and legal publication.

Done at the council chamber in the City of Hammond, Indiana, this the 27th day of May, 1909.

Approved this the 31st day of May, 1909.

Attest: W.M. Schmidt
City Clerk.

H.C. Bergoff Mayor.

General Ordinance #

An ordinance requiring Clairvoyants, Palmists and Fortune tellers, practicing their professions within the City, to be licensed.

Section 1. Be it enacted by the Common Council of the City of Fort Wayne, that it shall be unlawful for any person to practice clairvoyance, palmistry or fortune telling within the corporate limits of the city of Fort Wayne, without first having procured a license. The license herein provided for, may be granted by the Comptroller of the City, upon an application being made by the party wishing to practice either of the above, citing in the application the place of location. Upon such application being filed, the Comptroller shall issue an order to the Treasurer for the payment of such license fees herein provided and upon the delivery of the receipt of the Treasurer to him for the amount paid, shall issue said license.

The license fees shall be as follows:-

To any person practicing palmistry, One dollars and a half ($1.50) per day; Five dollars ($5.00) per week or Fifteen dollars ($15.00) per month.

To any person practicing Clairvoyance, One dollar and a half ($1.50) per day; Five dollars ($5.00) per week or Fifteen dollars ($15.00) per month

To any person practicing fortune telling, One dollar per day; Four dollars ($4.80) per week, or Ten dollars ($10.00 per month

Any person violating any provision of this ordinance shall be fined in any sum not to exceed Fifty dollars ($50.00). Every day any person practices, either palmistry or clairvoyance or Fortune telling, without complying with the provisions of this ordinance, shall constitute a separate offense.

Section 2:- This ordinance to be in full force and effect on and after its passage, legal publication and approval by Mayor

Done at the council chamber in the city of Fort Wayne Indiana, this the 1st day of June 1902.

Approved this the 11 day of June 1902.

Attest: [illegible]
City Clerk

General Ordinance No 192.

Introduced by ... of ...

"An Ordinance requiring persons going over and along the streets and alleys of the city purchasing certain articles of merchandise, to have a permit, and providing a penalty for the violation of such ordinance."

Section 1:- It shall be unlawful for any person to go over and along the streets or alleys of the city of Ft Wayne, either on foot or in wagon for the purpose of buying articles of clothing, old wares, iron, copper, blass or any other property such as is usually purchased by licensed junk shops or second hand stores, within the corporate limits of the city, without such person has first obtained a permit so to do, under a penalty of any sum not exceeding one hundred dollars ($100.00)

Section 2:- Any permits issued under this ordinance shall be for the period of one (1) year from date of issuance.

Section 3:- The Comptroller is hereby authorized to grant a permit to any person who may apply to go over and along the streets and alleys of the city for the purpose of buying old clothing, old wares, irons, copper, blass and such other property as is usually purchased by licensed junk dealers or second hand stores, within the corporate limits of the City upon the following condition: that such person will furnish the Comptroller with the names of two resident freeholders of the city who will vouch for his general reputation as an honest man.

Section 4:- No person or persons receiving a permit under this ordinance shall purchase within the line of his business any article, property or thing from any minor, or any article property or thing from any person, the ownership of which property, article or it is in the name of, or claimed by any minor, the said person or persons purchasing, knowing said article property or thing to be owned or claimed by such minor. Any person who has obtained a permit failing to comply with any of the provisions of this section shall forfeit to said city any sum not exceeding One Hundred dollars ($100.00)

Section 5:- Any person or persons violating any of the provisions of this ordinance or any ordinance

[illegible] the regulation of second hand stores and junk shops, shall be subject, in the discretion of the Mayor, to have his permit revoked.

Section 6. This ordinance to be in full force and effect on and after its passage and approval by the Mayor.

Done at the council chamber in the city of Fort Wayne Indiana, this the [illegible] day of June 1908.

Approved this the 14 day of [illegible] 1908.

[illegible]
Mayor.

General Ordinance No. [illegible]

Introduced by [illegible]

An Ordinance authorizing the employment of certain officers, clerks assistants and employees fixing the compensation, salaries and wages of certain officers, clerks and employees of the city of Fort Wayne Indiana, repealing conflicting ordinances and fixing the time when this ordinance shall take effect.

Section 1:- Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that the officers clerks, assistants and employees of the city of Fort Wayne, Indiana, shall respectively receive the compensation salaries and wages as hereinafter in this ordinance provided. The employment of such officers, clerks and assistants as are hereinafter named, are hereby authorized, and the compensation and salaries of such officers, clerks and assistants are hereby fixed at the sums and amounts respectively named for such officers, clerks and assistants.

Sec 2:- Such compensations and salaries of such officers, clerks, assistants and employees shall be as follows.

The Mayor of the city of Fort Wayne, Indiana shall receive a salary at the rate of One thousand dollars per annum.

The City Clerk of the city of Fort Wayne Indiana shall receive a salary at the rate of two thousand dollars per Annum.

Each councilman of the city of Ft Wayne Indiana shall receive a salary at the rate of One hundred and fifty dollars per annum.

The City Attorney of the city of Fort Wayne Indiana shall receive a salary at the rate of Two Thousand dollars per annum.

The Comptroller of the city of Ft Wayne Indiana shall receive a salary at the rate of two thousand dollars per annum.

The deputy Comptroller of the city of Fort Wayne shall receive a salary at the rate of Eight hundred dollars per annum.

For the Department of Public Works. --
The Chairman of the Board of Public Works shall receive a salary at the rate of eleven hundred dollars per annum.
Two members of the Board of Public Works shall each receive a salary at the rate of one thousand dollars per annum.
The Stenographer of the city of Fort Wayne shall receive a salary at the rate of Fifty five dollars per month.
The City Civil Engineer of the city of Ft Wayne shall receive a salary at the rate of Two thousand dollars per annum.
The assistant City Civil Engineer of the city of Fort Wayne Indiana shall receive a salary at the rate of Eighty five dollars per month.
The Superintendent of Streets of the city of Fort Wayne shall receive a salary at the rate of Seventy five dollars per month:
The Foreman of Street Repairs of the city of Fort Wayne shall receive a salary at the rate of Sixty dollars per month:
The Janitor at the city building shall receive a salary at the rate of Fifty dollars per month:
The assistant Janitor of the city building shall receive a salary at the rate of Thirty five dollars per month.
The Superintendent of Parks of the city of Fort Wayne shall receive a salary at the rate of Seventy dollars per month

For the Department of Public Safety

The three members of the Board of Public Safety shall each receive a salary at the rate of four hundred dollars per annum.

The Marshalmaster of the city of Fort Wayne shall receive a salary at the rate of twenty five dollars per month.

The City Foundmaster of the city of Fort Wayne shall receive a salary at the rate of twelve dollars per month.

The City Weighmaster of the city of Fort Wayne shall receive a salary at the rate of fifteen dollars per month.

Employees of the Police department shall receive the following salaries:

The Police Judge shall receive a salary of One thousand dollars per annum.

The Superintendent of Police shall receive a salary at the rate of Thirteen hundred and twenty dollars per annum.

The Captain of Police shall receive a salary at the rate of twelve hundred dollars per annum.

The Lieutenant of Police shall receive a salary at the rate of Nine hundred dollars per annum.

Two Sergeants of Police shall each receive a salary at the rate of Eight hundred and sixty dollars per annum.

The detectives of Police shall receive a salary at the rate of nine hundred dollars per annum, and no extras.

Each patrolman shall receive a salary at the rate of Sixty five dollars per month:

Two patrol drivers shall each receive a salary at the rate of sixty dollars per month.

Two statebox clerks shall receive a salary at the rate of fifty dollars per month:

The electrician shall receive a salary at the rate of forty dollars per month.

The humane officer shall receive a salary at the rate of forty dollars per month.

Employees of the Fire Force shall receive the following salaries.

The Chief of the Fire Force shall receive a salary at the rate of fifteen hundred dollars per annum

Each Engineer of the Fire Department shall receive a salary at the rate of eighty dollars per month.
Each Captain shall receive a salary at the rate of seventy dollars per month.
The electrician shall receive a salary at the rate of fifty dollars per month.
Each fireman of "Class A" shall receive a salary at the rate of sixty five dollars per month.
Each fireman of "Class B" shall receive a salary at the rate of fifty dollars per month.
Each fireman of "Class C" shall receive a salary at the rate of fifty five dollars per month.
The telephone attendant at the Central fire station shall receive a salary at the rate of fifty dollars per month.

For the Department of Health & Charities.
The Commissioner of Public Health shall receive a salary at the rate of sixteen hundred dollars per annum.
The two special sanitary policemen shall each receive a salary at the rate of $60.00 per month.
The two assistant physicians acting as sanitary inspectors shall each receive a salary at the rate of $1500.00 per annum.
The special clerk in the Health office shall receive a salary at the rate of $900.00 per annum.

Section 3: The compensation, salaries and wages enumerated and provided for in the foregoing sections of this ordinance shall be paid out of the funds of the city treasury appropriated for such purposes.
Said salaries to be paid at the expiration of each month during the time of service.

Section 4: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Done at the council chamber in the city of Fort Wayne Indiana this the 1st day of June 1902

Approved this the 4th day of June 1902.

Mayor of the City of Fort Wayne

Attest: [illegible]

General Ordinance No. 194.

An ordinance confirming and approving certain Indiana Gas Co. agreement and contract made and entered into this second day of June, 1902 and amendments thereto, by and between the City of Fort Wayne, Indiana, Board of Public Works and Stephen D. Fleming. Whereas, to-wit on June 2, 1902, the Board of Public Works of the city of Fort Wayne, State of Indiana, and on behalf of the city of Fort Wayne entered into the following agreement and contract, viz.

This agreement was entered into on this second day of June 1902, by and between the city of Fort Wayne Indiana (hereinafter called the city) by and through its Board of Public Works party of the first part, and Stephen D Fleming, party of the second part, witnesseth:

1. That the party of the first part, by and through its Board of Public Works aforesaid, under and by virtue of the powers conferred upon it by an act of the General Assembly of the State of Indiana entitled "An Act Concerning the Incorporation and Government of Cities Having a Population of Not Less than Thirty Five Thousand (35,000) Nor More than Forty Nine Thousand (49,000) According to the United States Census Last Preceding, and Matters Connected Therewith, and Declaring an Emergency" approved March 6, 1893 and amendments thereto, does hereby subject to the conditions herein expressed, authorize and empower the said party of the second part, his successors and assigns, and by the terms of this contract, consent, permission and authority are by the city given and granted unto said party of the second part his successors

and assigns, from and after the approval and ratification of this contract, by an ordinance of the Common Council of the city subject to the conditions herein after provided, to lay and maintain a single track for an interurban street passenger railway line, with the right to haul freight cars over said line, passenger baggage cars and express cars thereon, to be operated by steam or other motive power to be approved by said board of public works, upon all proper streets and avenues of said city, with suitable poles and poles which may be necessary for the convenient operation of a street railway system in, along and upon the streets and avenues of said city hereafter named and described, and to use, maintain and operate the same and to charge for the use and service of passengers rates of fare hereinafter provided for and to receive the same subject to the terms, conditions and limitations prescribed.

On Sixteenth avenue from the city limits to center line of Wall avenue.

On Walton avenue south to a point directly east of the center of Selden Street, thence west on Walton avenue to the center line of Selden Street.

On Selden street to the center line of Winter street.

On Winter street north, to the center line of Hayden street.

On Hayden street west, to the east line of Hanna Street.

West across Hanna street to the center line of Wright street.

On Wright street west to the center line of Webster street.

On Webster street north to center line of Berry street.

On Berry street west, to center line of Harrison street.

On Harrison street north, to north line of Main street.

From the center of Main street on Harrison street over the tracks of the Fort Wayne & Southwestern Traction Co. to the center of Columbia Street, and from Harrison street on Pearl street west over the tracks of the Fort Wayne & Southwestern Traction Co. to Webster street. The occupancy and use of the two latter grants to be on the terms and conditions of Section 18. of a contract entered into by (Reed, Southard & Hill) with the city of Fort Wayne on the thirteenth day of December 1900. and said contract subsequently assigned to the Fort Wayne & Southwestern Traction Co.

The streets and avenues herein named are intended to be streets and avenues heretofore and popularly known by the names herein mentioned, whether such names

are in fact the legal designations of said streets and ways or not.

The routes and lines of street railway so located as aforesaid may be connected with suitable curves and switches, and feeder lines may be erected along said route or routes, subject in every case to the approval of the Board of Public Works.

In consideration of the rights and privileges herein and hereby granted to the said party of the second part his successors and assigns, upon the consideration herein fixed and expressed, that the said party of the second part agrees and binds himself, his successors and assigns to the following conditions, to-wit:

2. It is agreed by and between the said parties that said party of the second part, his successors and assigns may charge and be entitled to receive the following rates of fare and no more for each passenger over the age of five years riding upon said cars within the limits herein described, and who shall have paid cash fare the sum of five cents. Such cash payment shall entitle said passenger to ride to the end of the line within the city on the car on which he has taken passage. Every passenger car run and operated by said parties of the second part, their successors and assigns on said line shall be provided with a conductor, who shall collect fares and attend to the comforts and conveniences of the passengers on such cars. Each of such conductors shall constantly have in his possession an ample and adequate supply of tickets to be sold and delivered to all passengers desiring the same, and said party of the second part may charge and be entitled to receive for the same the following rates and no more: For six of such tickets, twenty-five cents ($.25) for twenty-five of such tickets one dollar ($1.00)

Provided that said second party, his successors and assigns shall sell seven tickets for twenty-five cents in the event that the said railroad herein authorized to be constructed maintained and operated shall be by said second party, his successors and assigns, consolidated with any other city lines or lines which are likewise required to sell seven tickets for twenty-five cents and provided further that if a consolidation of lines is made as above stated, a system of transfers shall be provided by such consolidated lines by giving any person who has paid a fare either in cash or

buy tickets, a transfer ticket to next outgoing car of [illegible] other line included in the consolidation.

3. The said party of the second part, his successors and assigns, shall build and maintain at some point along the line of the said railroad within the corporate limits of the city a station for loading and unloading express baggage and mail, that said station shall be so located that the use of it by said second party, his successors and assigns will not interfere with the free use of the streets and avenues by the public; that party of the first part reserves the absolute right at all times to fix and from time to time such rules and regulations as the transfer and unloading of passengers, express, baggage and mail from the cars of said second party, his successors and assigns, as are necessary to insure comfort, safety and convenience of the public.

4. The electric system used on the lines of said road shall be the overhead system now in use by the company in the city, unless some other system shall be mutually agreed upon by and between the parties hereto and said second party, his successors and assigns. The entire system used by said party of the second part and all the means, devices and apparatus used in the supply, application and use of its motive power, in all respects, which shall in any manner affect or endanger the safety of the public shall at all times be kept open to the inspection of and under the supervision of the department of Public Safety of said city. As often as may be required by said department of Public Safety said party of the second part shall furnish to said department a statement, showing the amount of electro-motive power used and the strength of current conveyed or used upon its wires; and said department shall at all times have the right to inspect and test the same, and order and required such changes therein as may be necessary to insure as far as possible the safety of the public or to prevent damage to any property and all damages to water pipes by electrolysis must be paid to the city by said second party, his successors and assigns.

5. The said party of the second part, his successors and assigns, shall pave the space between all rails, including the space between his tracks, where there are switches and for a distance of twelve inches on the outside of

the outside rails of his tracks, and shall make all necessary repairs in said space under specifications both as to material and manner, as may be provided by the Board of Public Works, and shall repair the same when necessary and ordered by the said Board, and keep the same in repair, said paving and repairing to be done under specifications, both as to material and manner, as may be provided by the said board, under the supervision of the City Civil Engineer of said city; it being understood and agreed, however, that said second party, his successors and assigns, shall not be required to pave, repair or maintain the portions of the street herein before provided with any different ... stitute or in any different manner, than shall be required to be paved, repaired and maintained, as to the other portions of the street, when such paving, repairing and maintenance is herein required. And said party of the second part, his successors and assigns, shall also keep in repair that part of the floor of all bridges and culverts crossed by any of the tracks which is situated between the outer rails of said tracks and for a distance of twelve inches from the outside of said outer rails, and also the space between the tracks and switches, where there are switches; and in case of failure on the part of said second party, his successors and assigns to make any such improvement and repairs as aforesaid, when to streets or avenues or bridges, as herein provided, upon reasonable notice by said Board of Public Works, then the said Board of Public Works shall have the right to make any such improvements or repairs, and the cost of making the same shall be paid by said party of the second part his successors and assigns, to the city on demand, and the collection thereof enforced, as any other valid debt. And it is also agreed by and between said parties, that the party of the second part, his successors and assigns shall at all times keep on deposit in the city treasury to the credit of said Board of Public the sum of one hundred and fifty ($150.00) dollars, to be designated as an emergency fund. Whenever in the opinion of the Board of Public Works an emergency arises for the immediate repair of any dangerous defect, found to exist in that portion of any street, alley, avenue or public place required

required by this contract to be kept in repair by said party of the second part, and the said party of the second part has failed or refused to immediately upon the same, the said board, shall cause said repairs to be made at once, and if the said party of the second part shall not promptly pay the bills for the cost of such repairs, when made out and presented at the office of the said party of the second part in said city, then said board may draw the amount of such bills from the emergency fund, which fund shall be reimbursed by said said party of the second part without any delay and kept up to said amount of one hundred and fifty dollars ($150.00) aforesaid

This provision as to an emergency fund is in addition to all other provisions herein contained, on the subject of repairing streets and is not intended to modify or change any other provisions or penalties of this contract concerning the same.

6. The said party of the second part agrees and binds himself, his successors and assigns to put at his inter-urban road, over and along the streets and avenues herein designated in said city in such a manner, as to render to the public at all times first class and sufficient service.

7. That the Motive Power shall be at all times ample and of the approved kind; that the cars shall be of the best and approved pattern and at all times be kept well ventilated, provided with comfortable seats for passengers, and heated with safe and convenient appliances whenever the weather is such that the comfort of passengers shall require the same, and lighted at night with electricity or with some other equally sufficient light, that all such cars shall be kept in good repair and shall at all times be painted on the outside and decorated on the inside, so as to present an attractive appearance, and shall be repainted and redecorated from time to time as may be necessary to maintain such appearance; that cars used in the operation of said railway, shall be designated as express and passenger cars; that the former are to be used exclusively for hauling light express, passenger baggage, and United States mail, the latter for hauling passengers, baggage, light express and United States mail combined. Provided that

trains consisting of more than one car, shall not be run over the tracks granted under said grant in said city, unless the same especially authorized by the Board of Public Works and Common Council upon petition of the party of the second part, his successors and assigns.

That the tracks of said party of the second part shall at all times be kept in repair, provided with the most modern pattern of "T" flange or groove rails of sufficient size and weight and in such condition that passengers riding in cars over same will suffer no unnecessary discomfort or inconvenience by reason of such track, or any part thereof being irregular or uneven or in any wise insufficient and the light is reserved by the Board of Public Works of said city to order any needed repairs to said tracks or roadbeds or cars or appliances of said party of the second part, and said party of the second part agrees to comply with such order, that flange or groove rails shall be laid and maintained on all streets now paved, also on all other streets on which pavements may be laid hereafter.

It is also agreed by and between the parties hereto that the said party of the second part his successors and assigns will at all times run at least one car each hour over the said lines within said city, between the hours of five o'clock a. m. and twelve o'clock p. m. of each and every day unless by accident it becomes impossible to do so.

It is also agreed by and between the parties of this contract that the said party of the second part, his successors, and assigns, shall permit the tracks herein authorized to be laid, and maintained, to be used by any inter-urban or sub-urban railway, carrying Passengers, Passenger baggage, light express and United States mail, whenever the board of Public Works and the Common Council of said city party of the first part by contract, approved by ordinance shall have granted, authorized and permitted, any such person company or corporation to operate any inter-urban or sub-urban railway over, upon and along the tracks of said second party, his successors and assigns as provided in Section 18 of this franchise.

Said use shall be without compensation to said second party, further than any such company or companies so authorized to operate cars over and along the tracks of second party, or any part thereof as herein provided, shall each pay an equal pro rata share of the cost of maintenance of the part so used, which shall include all expenditures in the way of paving and taxes but shall not include the special annual yearly tax paid the city by said second party.

It is further agreed that the party of the second part will supply power to all inter urban companies authorized by the city to run their cars over the tracks of the party of the second part, for a fair and reasonable compensation for such power to be agreed upon between such inter-urban companies, and the party of the second part. If said inter-urban company or companies authorized by the city to use said tracks, and the party of the second part, are unable to agree as to what shall be a fair and reasonable compensation to the party of the second part for furnishing power for the operation of the cars of said inter-urban companies then the amount of such compensation shall be fixed and determined, by an action instituted by either of said parties in the Allen Circuit Court of Allen County, Indiana, and such court, without a jury, upon complaint being filed containing all the facts, shall try the cause as any other civil action and hear evidence that may be offered by either party pending the determination of such suit, the party of the second part, agrees to furnish power for the operation of the cars of such interurban company upon the condition that such inter-urban company shall enter into a bond in such an amount and with such sureties, as shall be fixed by said Allen Circuit Court, conditioned and fully providing for the payment of said inter-urban company to the second party, his successors and assigns, of the amount of compensation, which shall be finally fixed by the judge of said court for the furnishing of Power; and the party of the second part agrees to furnish power to propel the cars of such inter-urban company upon being protected by the bond as hereinbefore provided, and to accept as such compensation

for the furnishing of such power, the amount fixed by the person acting as judge of the Allen Circuit Court; the decision of the judge of said court to be final and conclusive upon both parties.

It is further agreed and understood by and between said parties of this contract that said second party his successors and assigns shall repave to the property owners on Davey Street between Monroe and Harrison streets and on Harrison street between Davey & W ayne streets, where the same are now paved, the value of such pavement thereon in the same proportion that would have been required under this contract if said pavement was made hereafter. Such value to be fixed and determined by the Board of Public Works of said city.

9. It is further agreed that the inside distance between the rails shall not exceed four feet eight and one-half inches commonly known as the standard guage; that the poles used for the purpose of stringing the necessary wires used for the operation of said inter-urban street railway shall be of iron on all streets and avenues that are paved at the time of constructing said road, including Monroe street which is not paved and wooden poles neatly trimmed and painted on the other streets included in this grant, provided, however, that as the said streets are paved, the wooden poles will be removed, and iron poles substituted therefor. In case the said party of the second part his successors and assigns, should fail to comply with any of the foregoing agreements and stipulations concerning the motive power kind of cars to be used, or painting, decorations, heating lighting, rails or roadbed or any other stipulations contained herein, concerning the operation, maintenance and construction of their line of said railway, and the Board of Public Works shall, by written notice served on party of the second part or upon his successors and assigns (if service shall be made upon a corporation, such notice shall be served upon one officer of the same) require compliance with any such stipulation within a reasonable time herein fixed and said second party, his successors and assigns shall continue to fail or refuse after any such period so fixed to comply with any such provisions, then said second party, his successors and assigns shall forfeit to the city the sum of Ten Dollars ($10.00) for each

and every day that it shall continue to violate any such provision or stipulation which sum may be collected in a suit on the bond hereinafter required to be given by said party of the second part or otherwise as said Board of Public Works may elect; provided that nothing contained herein shall be constructed as an attempt to in any wise abridge or restrict the power of the Common Council of said city to enact reasonable ordinances providing for the safety comfort and convenience of the public travelling on lines of street railway in said city also providing reasonable penalties for the violation thereof.

In further consideration of the grant herein and hereby made and in part payment therefor, the said party of the second part his successors and assigns agrees and binds himself to pay to the city of Fort Wayne party of the first part the following amount annually during the life of the contract: Without compensation for the first two years, two hundred and fifty dollars ($250.00) annually for the next eight years and for the remainder of the term five hundred dollars ($500.00) per year.

11. It is agreed by and between the parties hereto, that one of the principal considerations of the grant, is the promise, agreement and undertaking of the party of the second part, his successors and assigns, to build an interurban line from the city of Fort Wayne, Indiana to the town of New Haven, Allen County, Indiana, and that all rights and privileges granted herein by party of the first part to party of second part, his successors and assigns, shall forfeit, terminate and this contract become null and void, if the party of the second part, his successors and assigns, shall not have constructed and in operation such railroad from the terminus there of in the city of Fort Wayne to said town of New Haven, by the first day of May 1908 unless, on account of Providence, litigation or from unavoidable delay in which event the Board of Public Works of said city may grant a reasonable extension of time, provided that the same is approved by the Common Council.

12. The said party of the second part, further agrees and binds himself, his successors and assigns to keep and hold said city free from all liability for any and all damages that may accrue to any person

on account of injury to either person or property growing out of the construction, improvement, maintenance or operation of said railways said party of the second part his successors and assigns said railway system under this contract and in case suit shall be filed against said city either independently or jointly with said party of the second part on account thereof, said party of the second part upon notice to it by said city, will defend said city against said action, and in the event of a judgment being obtained either independently or jointly with said party of the second part aforesaid, the said party of the second part will pay said judgment with all costs, and hold the city harmless therefrom.

13. All poles, wires and fixtures used in and about said street railway plant over and along the streets and avenues herein mentioned, shall be so placed and maintained by the said party of the second part, his successors and assigns, as not to interfere with the reasonable and proper use of the streets and avenues and shall be subject to the approval of the Board of Public Works. The tracks of said party of the second part, his successors and assigns shall not be elevated above the level of said streets and avenues of said city, and the same shall be laid and maintained so as to conform with the established grades of said streets and avenues as they shall from time to time exist and in such a manner as to be no unnecessary impediment to the ordinary use of such thoroughfares and the passage of wagons, carriages and other vehicles upon or along such tracks at any point and in any and all directions. with suitable bridges at all gutters so as to permit the free and uninterrupted flow of, in and along said gutters.

The tracks and rails shall conform with the grades of the streets as now established or as may hereafter be established by the said city and subject at all times to be taken up and relaid by the party of the second part, his successors and assigns, at his expense whenever necessary for the purpose of regrading or paving or repaving said streets, constructing sewers, laying or repairing water or gas pipes or any other public improvement. In case said rails or tracks shall not

conform to the grade of the street as above provided and the Board of Public Works shall notify the said party of the second part and the party of the second part shall fail to do the necessary work of making such tracks and rails conform to any such grade within thirty days from the time of receiving said notice, then the Board of Public Works shall have the right to enter up on said tracks and make said repairs and improvements and charge the cost thereof to the said party of the second part, and in case the said party of the second part fails to pay said expense within thirty days after the said Board has rendered a bill therefor, then the said city shall have a right of action to recover such amount against said party of the second part, his successors and assigns shall be liable upon the bond which is hereinafter provided for, for any such amount. And in case of said failure to pay any such bill and suit is brought to recover the same either on said bond or otherwise then the said city shall be entitled to recover in addition to the amount of the cost of said repair or improvement reasonable attorney fees; provided, however, that such notice shall not be given at a time of year unsuitable for the doing of the work required, unless the condition of such track is such as to endanger the safety of passengers. Should it be necessary in the prosecution of any public work to temporarily stop the operation of cars it may be done by order of the Board of Public Works, and in such case the party of the first part shall be held free from all claims for damages by reason of delay to the business or traffic of said party of the second part. But said party of the second part, shall be required to operate his lines of street railway continuously, unless prevented from so doing by act of God, accidents or other causes that cannot be reasonable prevented

14. The said party of the second part shall at all times so regulate the running of his cars, as not to impede or obstruct public travel at intersections of streets, alleys or avenues of said city and his cars shall be stopped clear of cross streets.

It is also agreed in addition to any other penalties and forfeitures herein fixed and prescribed that if the said party of the second part his successors and assigns

shall habitually, continually or continuously violate any of the provisions of this contract, or of the ordinance applying the same, or such other ordinances as may be passed by the Common Council of said city, then said party of the second part, his successors and assigns, shall forfeit all his rights, title and interest in or to the use of occupancy of the streets, avenues, alleys and highways of said city for street railroad purposes and this contract and franchise for the same shall be at an end and subject to forfeit. It is also agreed by and between said parties that any improvement undertaken by or in the name of the city or by any contractor for and with the city for the improvement of any street, alley, avenue sidewalk or crossing or for the construction of any sewer or drain or other public work shall not be impeded by said party of the second part his agents or employees: but said party of the second part shall do all in his power to advance such improvement by the moving of his tracks and poles and relaying and placing the same when it becomes necessary, at his own cost as hereinbefore provided. The said party of the first part shall protect the said party of the second part as much as possible by seeing that the contractor for any such public work does not intentionally, negligently or maliciously delay the same to the detriment of said party of the second part.

16. It is further agreed by and between the parties to this contract that all the rights hereby granted to the said party of the second part to maintain and operate an inter-urban street railway line or any part thereof in said city shall continue for a period of forty years from the taking effect of this contract and all terms conditions and covenants of this contract shall be binding and conclusive for that period, on both parties hereto; but all such rights, conditions and covenants are hereby expressly limited to said period of forty years which period shall begin on the taking effect of this contract and end forty years thereafter. This limitation of time is agreed to be one of the chief considerations for the grant hereby made and the said party of the second part recognizing

and conceding that such limitation of time as herein expressed, is one of the essential, and governing conditions of the contract does hereby bind himself his successors and assigns that at the expiration of said period, he will peacable yield possession of any part of every street and alleys in said city then occupied by his lines of street railway and cease the operation of the said railway plant and every part thereof, and from thence forward will make no claim of any kind to exercise any right whatever under the grant herein made or under any charter or supposed right, which might be claimed by said party of the second part his successors and assigns to hold beyond said period of time under the statute under which it was incorporated.

16. The said party of the second part before exercising any of the rights and privileges hereby granted, shall execute to the city of Fort Wayne a good and sufficient bond in the sum of ten thousand dollars ($10,000.00) with good and sufficient sureties to be approved by the said Board of Public Works, conditioned that the party of the second part his successors and assigns shall faithfully carry out and perform each and every agreement herein contained, and shall well and truly pay to said city all penalties and forfeitures and other sums of money which under the terms of the contract, for which he may become liable to said city and said bond shall be renewed from time to time during said period on the demand of the said Board of Public Works of said city, whenever in the opinion of the Board of Public Works said bond has become insufficient for any reason whatever or whenever by the accumulations of unpaid penalties forfeitures, judgments or other claims against said second party in favor of said city, the board deems such renewal necessary.

And in case the said party of the second part, his successors and assigns, shall on the reasonable demand of said Board, fail or refuse to renew such bond or furnish such additional security thereon as may be required then his rights under this contract shall cease, and the franchise herein granted forfeited

which forfeiture may be enforced in any court of competent jurisdiction.

It is further agreed by and between the parties of this contract that the express cars used under the franchise shall be of the same size and construction as a passenger car except as to windows and inside finish.

That on all streets and avenues herein authorized to be used which are paved before such tracks are laid, the line shall be laid upon a six inch bed of concrete extending to the ends of the ties and therefrom, whenever the streets or any part of the line of said railway shall be paved, a like bed of concrete shall be placed under the tracks and distance on the said streets or avenues may be paved.

17 It is further agreed by and between the parties that if said inter-urban line is not completed within the time limit in this contract stipulated, then all rights and privileges under the same are forfeited.

18. It is further agreed by and between the parties to this contract that the party of the first part herein reserves the absolute right to grant to any person, company or corporation a franchise for the purpose of constructing an inter-urban or sub-urban street railroad over the right of way herein granted, or any part thereof, after ninety days from the approval of this contract, and before the occupancy of the same or any part thereof by said second party.

Said first party further reserves the right to grant to any person, company or corporation a franchise for an inter-urban or sub-urban railroad over the same right of way or any part thereof herein specified, after such occupancy of same by said second party, his successors and assigns; provided, that such grant shall authorize the use and occupancy according to terms and conditions provided in Section 8 thereof; and provided further that if said grant is made to any person, company or corporation after ninety days and before the occupancy by said second party, in that case shall have the right to use and occupy said right of way according to Section 8 of this contract.

And it is further agreed that said second party shall not use any portion of this right of way under Section 8 unless he shall construct, maintain and operate an

interurban lines as hereinbefore provided between the city of Fort Wayne and the town of New Haven. Said party of the second part, his successors and assigns obligates himself to run one entire car over his said line within the city of Fort Wayne in addition to the cars required for inter-urban use, for the purpose of providing a proper and sufficient city service. Said additional car to be used only for public accommodation, if such additional line is necessary to give the service herein required; and upon order of the Common Council. It is further agreed by the party of the second part, his successors and assigns, that he is to accept transfer tickets for all inter-urban, suburban or city lines upon an equal division of the fare provided for in the city of Fort Wayne; provided, however, that said other lines shall accept transfers from the party of the second part, his successors and assigns, upon the same conditions.

It is agreed by and between the parties to this contract that all rights, privileges, or liabilities, limitations and obligations of the second party shall extend to and be binding on his successors and assigns.

It is also agreed by and between the parties to this contract, that in the construction of the said railroad, none of the rights and privileges herein granted shall vest in the party of the second part, his successors and assigns, unless said party of the second part, his successors and assigns, shall have constructed their inter-urban line from New Haven, Indiana, to the east line of the City limits at Pioneer Avenue.

It is further agreed by and between the parties to this contract, that party of the first part is authorized and empowered to grant a free line to any person, company or corporation, to occupy and use any part of said interurban or suburban railway, that may hereafter come within the limits of the City of Fort Wayne by annexation of territory by the Common Council; provided, that such use shall be upon terms and conditions provided in Section 8 in this contract.

19. The said second party, his successors and assigns hereby agrees to place feed wires, erected, maintained and used in the operation of the said roads, in and -

... and conduct, which the Board of Public Works and Common Council may deem necessary that public safety requires it, and when ordered so to do by said Board of Public Works and Common Council.

The said party of the second part hereby deposits with the Board of Public Works a certified check for $500.00 to be forfeited to the city of Fort Wayne as stipulated damages, provided that said contract is signed and approved by the said Board of Public Works and the Common Council within thirty days from the date of this contract, and unless said party of the second part thereafter does not build the roads as provided in said contract

Witness our hands and seals this second day of June 1902

Stephen B. Fleming. (Seal)
Party of the Second Part
The City of Fort Wayne, Indiana.
By. Peter Eggemann
William Dorheimer
H. C. Follis jr.
Board of Public Works.
Party of the First Part.

Attest - A. M. Schmidt. Clerk.

Section 1. Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that the contract and agreement heretofore, to-wit on the second day of June 1902, made and entered into by the city of Fort Wayne through its Board of Public Works of the city and Stephen B. Fleming, and amendments thereto, as fully set out in the preamble hereto, be and the same is hereby in all things confirmed and approved.

Section 2. This ordinance shall take effect and be in force from and after its passage and approval by the mayor.

I hereby certify that the Common Council of the city of Fort Wayne did at a regular meeting held on the 10th day of June 1902 pass by a majority vote of all the members elect the ordinance hereunto attached No. 194.

August M. Schmidt — City Clerk.

Presented to the Mayor for approval on the 14th day of June 1902

August M. Schmidt — City Clerk

I hereby approve General Ordinance No. 194 this 20 day of June. 1902

Attest - A. M. Schmidt, City Clerk. — Mayor.

General Ordinance No 195.

An Ordinance amending Section 1. of an Interchurchly ordinance authorizing the employment of certain officers and employees of the city of Fort Wayne, known as General Ordinance No 195.

Section 1 Be it enacted by the Common Council of the city of Fort Wayne, Indiana, that that part of Section 4 of above named ordinance relating to the salary of Lieutenant of Police, be amended to read as follows.

"The Lieutenant of Police shall receive a salary at the rate of ~~$85.00~~ per month from and after January 1, 1903.

Section 2. This Ordinance to be in full force and effect on and after its passage and approval by the Mayor.

I hereby certify that the Common Council of the city of Fort Wayne, did, at a regular meeting held on the 10th day of June 1902 pass by a majority vote of all the members elect the ordinance hereunto attached No 195

August M. Schmidt, City Clerk

Presented to the Mayor for approval on the 14th day of June 1902 August M. Schmidt, City Clerk

I hereby approve General Ordinance No 195 this 20th day of June 1902

By Deputy Mayor.

Attest:
August M. Schmidt
Clerk.

[illegible] No. 196.

[illegible] contract entered into between the City of Fort Wayne through its Board of Public Works, and S. D. Fleming & Company and "Stephen D. Fleming" an individual and appearing as ordinance approving a contract entered into by the City of Fort Wayne through its Board of Public Works, and Stephen D Fleming passed June 11, 1903.

This agreement made and entered into this 17th day of June, 1903, by and between the City of Fort Wayne, Indiana, hereinafter called the City, by and through its Board of Public Works, party of the first part and S. D. Fleming Co., a corporation duly organized and the laws of the State of Indiana party of the second part, and Stephen D. Fleming as an individual. Witnesseth:

1. That the party of the first part, by and through its Board of Public Works aforesaid, under and by virtue of the powers conferred upon it by an Act of the General Assembly of the State of Indiana, entitled, "An Act concerning the incorporation and government of cities having a population of not less than thirty-five thousand nor more than forty-nine thousand according to the United States census last preceding, and matters connected therewith, and declaring an emergency, approved March 6 1893 and amendments thereto, heretofore, subject to the conditions herein expressed, authorize and empower the said party of the second part, its successors and assigns, and by the terms of this contract, consent, permission and authority are by the city given and granted, unto said party of the second part, its successors and assigns from and after the approval and ratification of this contract, by an ordinance of the Common Council of the City, subject to the conditions hereinafter prescribed and expressed, to lay and maintain a single track for an inter-urban street passenger railway line, with the right to haul light express, mail and passenger baggage, in connection therewith, to be operated by electricity or other improved power to be approved

by said Board, with all proper and convenient turnouts, switches, feed wires and poles which may be necessary for the successful operation of a street railway system in, along and upon the streets and avenues of said city hereafter named and described, and to use, maintain and operate the same, and to charge, demand and receive from passengers, rates of fare as hereinafter provided for and in consideration of and subject to the terms, conditions and limitations prescribed:

On Lima from city limits to center line of Wall Avenue.

On Wallen Avenue south to a point directly east of the north of Seldon Street, then west on Wallen avenue to the center line of Seldon Street

On Seldon Street to center line of Winter street

On Winter street, north to center line of Hayden street

On Hayden street, west to the east line of Hanna street.

West across Hanna street, to the center line of Broadway

On Hough street west to center line of Monroe street

On Monroe street north to center line of Berry street.

On Berry street west to center line of Harrison street.

On Harrison street north to north line of Main street

From the center of Main street on Harrison street over the tracks of the Fort Wayne and Southwestern Traction Company to the center of Columbia street, and from Harrison street on Pearl street west over the tracks of the Fort Wayne and Southwestern Traction Company, to Webster street. The occupancy and use of the two latter grants to be on the terms and conditions of Section 18 of a contract entered into by Reed, Townsend and Miller with the City of Fort Wayne on the 13th day of December, 1900, and said contract subsequently assigned to the Fort Wayne and Southwestern Traction Company.

The streets and avenues herein named are intended to be streets and avenues heretofore and popularly known by the names herein mentioned, whether such names are in fact the legal designations of such streets and avenues or not.

The routes and lines of street railway so located, as aforesaid may be connected with suitable curves and switches, and feed wire lines may be erected along said route or elsewhere, subject in every case to the approval

of the Board of Public Works.

In consideration of the rights and privileges herein and hereby granted to the said party of the second part its successors and assigns, upon the considerations herein fixed and set forth it is agreed that the said party of the second part agrees and binds itself, its successors and assigns to the following conditions, to-wit:

2. It is agreed by and between the said parties, that said party of the second part, its successors and assigns may charge and be entitled to receive the following rates of fare and no more for each passenger over the age of five years riding upon said cars within the limits herein described, and who shall have paid said fare, the sum of five cents, which said payment shall entitle said person to ride to the end of the line within the city limits for which he has taken passage. Every passenger car run and operated by said party of the second part, its successors and assigns, on said lines, shall be provided with a conductor who shall collect fares and attend to the comfort and convenience of the passengers upon such car. Each of such conductors shall constantly have in his possession an ample and adequate supply of tickets to be sold and delivered to all passengers desiring the same, and said party of the second part may charge and be entitled to receive the same the following rates, and no more for any of such tickets, twenty-five cents ($.25) for twenty-five of such tickets, one dollar ($1.00) provided that said second party its successors and assigns shall sell seven tickets for twenty-five cents in the event that the said railroad herein authorized to be constructed maintained and operated shall be, by said second party its successors and assigns, consolidated with any other city line or lines which are likewise required to sell seven tickets for twenty-five cents, and provided further that if a consolidation of lines is made as above stated a system of transfers shall be provided by such consolidated lines, given any person, who has paid a fare either in cash or by tickets, a transfer ticket to next out-going car on any other line included in the consolidation.

3. The said party of the second part, its successors and assigns shall build and maintain at some point along the line of their said railroad within the corporate limits of the city a station for loading and unloading pas-

baggage and mail; that said Railroad shall be located that the use of it by said second party, its successors and assigns, will not interfere with the free use of the streets and avenues by the public; that party of the first part reserves the absolute right at all times to fix and provide such rules and regulations in the transfer and unloading of passengers, express baggage and mail from the cars of said second party, its successors and assigns, as are necessary to insure the comfort, safety and convenience of the public.

4. The electric system used on the propulsion of said cars, shall be the overhead system now in use by other companies in the city, unless some other system shall be mutually agreed upon by and between the Board of Public Works and said second party, its successors and assigns. The entire system used by said party of the second part, and all the wires, devices and appliances used in the supply, application and use of its propelling power in all respects, which shall in any manner affect or endanger the safety of the public, shall at all times be kept open to the inspection of and under the supervision of the Department of Public Safety of said city. As often as may be required by said Department of Public Safety, said party of the second part shall furnish to said department a statement showing the amount of electro-motive power used, and the strength of current conveyed or used upon its wires; and said department shall at all times have the right to test and inspect the same, and order and require any such changes therein as may be ordered by it to insure as far as possible the safety of the public, or to prevent damage to any property and all damages to water pipes, by electrolysis, must be paid to the city by said second party, its successors and assigns.

5. The said party of the second part, its successors and assigns, shall pave the space between all rails, including the space between its tracks where there are switches, and for a distance of twelve inches on the outside of the outside rails of its tracks and shall make all necessary repairs in said spaces under specifications, both as to material and manner as may be provided by the Board of Public Works and shall repave the same, when necessary and

and and by the said Board, and keep the same in repair, said paving and repairing to be done under specifications, both as to material and manner, as may be provided by the said Board, under the supervision of the City Civil Engineer of said city it being understood and agreed however, that said second party, its successors and assigns, shall not be required to pave, repave or maintain the portions of the street herein before provided, with any different material or in any different manner, than shall be required to be paved, repaved and maintained, as to other portions of the street where such paving, repaving and maintenance is herein required. And said party of the second part, its successors and assigns, shall also keep in repair that part of the floor of all bridges and viaducts crossed by any of the tracks which is situated between the outer rails of said tracks, and for a distance of twelve inches from the outside of the said outer rails, and also the space between the tracks and switches where there are switches; and in case failure on the part of said second party, its successors and assigns, to make any such improvement and repairs as aforesaid, either to streets or avenues or bridges, as herein provided, upon reasonable notice by said Board, then the said Board of Public Works shall have the right to make any such improvements or repairs, and the cost of making the same shall be paid by said party of the second part, its successors and assigns to the city on demand, and the collection thereof enforced as any other valid debt. And it is also agreed by and between said parties, that the party of the second part, its successors and assigns shall at all times keep on deposit in the city treasury, to the credit of said Board of Public Works the sum of one hundred and fifty dollars ($150.00) to be designated as an emergency fund. Whenever, in the opinion of the Board of Public Works, an emergency arises for the immediate repair of any dangerous defect found to exist in that part of any street alley, avenue or public place, required by this contract to be kept in repair by said party of the second part, and the said party of the second part have failed, on notice, to immediately repair the same.

the said Board shall cause said repairs to be made at once, and if said party of the second part shall not promptly pay the bill for the cost of such repairs, when made out and presented at the office of the said party of the second part, in said city, then said Board may draw the amount of such bill from the repair fund, which fund shall be reimbursed by said party of the second part without any delay, & kept up to said amount of one hundred and fifty dollars ($150.00) aforesaid.

This provision as to an emergency fund is in addition to all other provisions herein contained on the subject of repairing streets, and is not intended to modify or change any other provision or penalties of this contract concerning the same.

6. The said party of the second part agrees and binds itself, its successors and assigns, to operate its inter-urban road over and along the streets and over such lines designated in said city in such a manner as to render to the public at all times first-class and sufficient service.

7. That the motive power shall at all times be ample and of the approved kind; that the cars shall be of the best and approved pattern and at all times kept clean, well ventilated, provided with comfortable seats for passengers, and heated with safe and convenient appliances, whenever the weather is such that the comfort of the passengers shall require the same, and lighted at night with electricity or with some other equally sufficient light; that all such cars shall be kept in good repair, and shall at all times be painted on the outside and decorated on the inside so as to present an attractive appearance, and shall be repainted and redecorated from time to time as may be necessary to maintain such appearance; that cars used in the operation of said railroad shall be designated as express and passenger cars; that the former are to be used exclusively for hauling light express passenger baggage and United States mail, the latter for hauling passengers, baggage, light express and United States mail, combined. Provided, that trains consisting of more than one car shall not

be run over the tracks granted under the said franchise in said city, unless two are especially authorized by the Board of Public Works and Common Council, upon petition of the party of the second part, its successors and assigns.

That the tracks of said party of the second part shall at all times be kept in repair, provided with the most modern pattern of "T" flange or groove rails of sufficient size and weight, and in such condition - that passengers riding in cars over the same will suffer no unnecessary discomfort or inconvenience by reason of such tracks or any part thereof being irregular or uneven, or in any wise insufficient, and the right is reserved by the Board of Public Works of said city, to order any needed repairs to said tracks or road beds or cars, or appliances of said party of the second part, and said party of the second part agrees to comply with such order, that flange or groove rails shall be laid and maintained on all streets now paved, also on all other streets on which pavements may be laid hereafter.

It is also agreed by and between the parties hereto that the said party of the second part, its successors and assigns, will at all times run at least one car each hour over their said line within said city between the hours of 5 o'clock a.m. and 12 o'clock p.m. of each and every day, unless by accident it becomes impossible to do so.

8. It is also agreed by and between the parties to this contract that the party of the second part, its successors and assigns, shall permit the tracks herein authorized to be laid and maintained, to be used by any inter-urban or sub-urban railway carrying passengers, passenger baggage, light express and United States mail wherever the Board of Public Works and the Common Council of said city, party of the first part, by contract approved by ordinance shall have granted, authorized and permitted any such person, company or corporation to operate any inter-urban or sub-urban railway over, upon and along the tracks of said second party its successors and assigns, as provided in Sec-

of this ?

Said use shall be without compensation to said second party, further than any such company or companies so authorized to operate cars over and along the tracks of said second party, or any part thereof, as herein provided, shall each pay an equal per cent share of the cost of maintenance of the part so used, which shall include all expenditures in the way of paving and taxes, but shall not include the special annual franchise tax paid the city by said second party.

It is further agreed that the party of the second part shall supply power to all inter-urban companies authorized by the city to run their cars over the tracks of the party of the second part, for a fair and reasonable compensation for such power to be agreed upon between such inter-urban companies and the party of the second part. If such inter-urban company or companies authorized by the city to use said tracks, and the party of the second part unable to agree as to what shall be a fair and reasonable compensation to the party of the second part, for the furnishing of power for the operation of the cars of such inter-urban companies, then the amount of such compensation shall be fixed and determined by an action instituted by either of said parties in the Allen ~~Circuit~~ Court of Allen County Indiana and such court, without a jury, upon complaint being filed, containing all the facts, shall try the case as any other civil action, and hear evidence that may be offered by either party.

Pending the determination of such suit, the party of the second part agrees to furnish power for the operation of the cars of such inter-urban company upon the condition that such inter-urban company shall enter into a bond in such an amount and with such sureties as shall be fixed by said Allen Circuit Court, conditioned and fully providing for the payment by said inter-urban company to the second party, its successors and assigns, of the amount of compensation which shall be finally fixed by the Judge of

said court for the furnishing of power; and the party of the second part agree to furnish power to propel the cars of such inter-urban company upon being protected by the bond as hereinbefore provided, and to accept as such compensation for the furnishing of such power, the amount fixed by the person acting as Judge of the Allen Circuit Court; the decision of the Judge of said court to be final and conclusive upon both parties.

It is further agreed and understood by and between said parties to this contract, that said second party its successors and assigns, shall refund to the property owners on Berry street, between Monroe and Harrison streets, and on Harrison Street between Berry and Main streets, where the same are now paved, the value of such pavement thereon in the same proportion that would have been required under this contract if said pavements were made hereafter. Such value to be fixed and determined by the Board of Public Works of said city.

9. It is further agreed that the inside distance between the rails shall not exceed four feet eight and one-half inches, commonly known as the standard guage; that the poles used for the purpose of stringing the necessary wires used for the operation of said inter-urban street railway shall be of iron on all streets and avenues that are paved at the time of constructing said roads, including Monroe street, which is not paved, and wooden poles, neatly trimmed and painted on other streets included in this grant, provided, however that as the said streets are paved, the wooden poles will be removed and iron poles substituted therefor. In case the said party of the second part, its successors and assigns, should fail to comply with any of the foregoing agreements and stipulations concerning the motive power, kind of cars to be used, or painting, decorating, heating, lighting, rails or roadbed, or any other stipulations contained herein concerning the operation, maintenance or construction of its line of said railway, and the Board of Public Works shall, by written notice, served on party of second part, or upon its successors and assigns (if service shall be made upon a corporation, such notice shall be served upon

an officer of the same), require compliance with any such stipulations within a reasonable time therein fixed, and said second party, its successors and assigns, shall continue to fail or refuse, after any such period so fixed, to comply with any such provisions, then said second party, its successors and assigns, shall forfeit to the city the sum of ten dollars ($10.00) for each and every day that it shall continue to violate any such provision or stipulation, which sum may be collected in a suit on the bond, hereinafter required to be given by said party of the second part, or otherwise, as said Board of Public Works may elect; Provided, that nothing contained herein shall be construed as an attempt to in any wise abridge or restrict the power of the Common Council of said city to enact reasonable ordinances providing for the safety, comfort and convenience of the public traveling in cars of street railway in said city, also providing reasonable penalties for the violation thereof.

10. In further consideration of the grant herein and hereby made, and in part payment therefor, the said party of the second part, its successors and assigns, agrees and binds itself to pay to the city of Fort Wayne, party of the first part, the following amount annually, during the life of the contract: Without compensation for the first two years; two hundred and fifty dollars ($250.00) annually for the next eight years, and for the remainder of the term, five hundred dollars ($500.00) per year.

11. It is agreed by and between the parties hereto that one of the principal considerations for the grant is the promise, agreement and undertaking of the party of the second part, its successors and assigns, to build an inter-urban line from the City of Fort Wayne, Indiana, to the town of New Haven, Allen County, Indiana, and that all rights and privileges granted herein by party of the first part, to party of second part, its successors and assigns, shall forfeit, terminate and this contract become null and void, if the party of the second part, its successors and assigns, shall not have constructed and in operation such railroad from the terminal thereof in the city of Fort Wayne to said town of New Haven by the first day of May, 1903, unless, on account of

acts of God, war, litigation or from unavoidable delay, in which event the Board of Public Works of said city may grant a reasonable extension of time, provided that the same is approved by the Common Council.

12. The said party of the second part, further agrees and binds itself, its successors and assigns, to keep and hold said city free and harmless from all liability from any and all damages that may accrue to any person or persons on account of injury to either person or property, growing out of the construction, improvement, maintenance, and operation of said second party's cars, its successors and assigns cars and railway system, under this contract, and in case suit shall be filed against said city, either individually or jointly, with said party of the second part, on account thereof, said party of the second part, upon notice to it by said city will defend said city against said action, and in the event of a judgment being obtained, either individually or jointly with said party of the second part aforesaid, the said party of the second part will pay said judgment, with all costs, and hold the city harmless therefrom.

13. All poles, wires and fixtures used in and about said street railway plant over and along the streets and avenues herein mentioned, shall be so placed and maintained by the said party of the second part its successors and assigns as not to interfere with the reasonable and proper use of the streets and avenues, and shall be subject to the approval of the Board of Public Works. The tracks of said party of the second part, its successors and assigns, shall not be elevated above the level of said streets and avenues of said city, and the same shall be laid and maintained so as to conform with the established grade of said streets and avenues as they shall from time to time exist, and in such manner as to be no unnecessary impediment to the ordinary use of such thoroughfare and the passage of wagons, carriages and other vehicles upon or along such tracks at any point and in any and all directions, with suitable bridges at all

gutters, so as to permit the free and uninterrupted flow of water in and along said gutters.

The tracks and rails shall conform with the grades of the streets as now established, or may hereafter be established by the said city, and subject at all times to be taken up and relaid by the party of the second part, its successors and assigns at its expense, whenever necessary for the purpose of regrading or paving or repairing said streets, constructing sewers, laying or repairing water or gas pipes or any other public improvement. In case said rails or track shall not conform to the grade of the street as above provided, and the Board of Public Works shall notify the said party of the second part, and the party of the second part shall fail to do the necessary work of making such tracks and rails conform to any such grade within thirty days from the time of receiving said notice, then the Board of Public Works shall have the right to enter upon said tracks and make said repairs or improvements and charge the cost thereof to said party of the second part; and in case the said party of the second part fails to pay said expense within thirty days after the said Board has rendered a bill therefor, then the said city shall have a right of action to recover such amount against the said party of the second part, and the said party of the second part, its successors and assigns, shall be liable upon the bond which is hereinafter provided for, for any such amount. And in case of such failure to pay any such bill, and suit is brought to recover the same, either on said bond or otherwise, then the said city shall be entitled to recover in addition to the amount of the cost of said repair or improvement, reasonable attorney fees; Provided, however that such notice shall not be given at a time of year unsuitable for the doing of the work required, unless the condition of such track is such as to endanger the safety of passengers. Should it be necessary in the prosecution of any public work to temporarily stop the operation of cars, it may be done by order of the Board of Public Works, and in such case the party of the first part shall be held free from all claims for

damages by reason of delay to the business or traffic of said party of the second part. But said party of the second part, shall be required to operate its lines of street railway continuously, unless prevented from so doing by act of God, accidents or other causes that cannot be reasonably prevented.

14. The said party of the second part shall at all times so regulate the running of its cars, as not to impede or obstruct public travel at intersections of streets, alleys, avenues of said city, and its cars shall be stopped clear of cross streets.

It is also agreed in addition to any other penalties and forfeitures herein fixed and prescribed, that if the said party of the second part, its successors and assigns shall habitually, continually or continuously violate any of the provisions of this contract, or of the ordinance approving the same, or such other ordinances as may be passed by the Common Council of said city, then said party of the second part, its successors and assigns, shall forfeit all its rights, title and interest in or to the use or occupancy of the streets, avenues, alleys and highways of said city for street railroad purposes and its contract and franchise for the same shall be at an end and subject to forfeiture.

It is also agreed by and between said parties that any improvement undertaken by or in the name of said city, or by any contractor for and with said city, for the improvement of any street, alley, avenue, sidewalk, or crossing, or for the construction of any sewer or drain or other public work, shall not be impeded by said party of the second part its agents or employees; but said party of the second part shall do all in its power to advance such improvement by the moving of its tracks and poles and relaying and placing the same, when it becomes necessary at its own cost as herein before provided. The said party of the first part shall protect the said party of the second part, as much as possible, by seeing that the contractor for any such public work does not intentionally, negligently or maliciously delay the same to the detriment of the said party of the second part

15. It is further agreed by and between the parties to this contract that all the rights hereby granted to the said party of the second part, to maintain and operate an inter-urban street railway line or any part thereof in said city, shall continue for a period of forty years from the taking effect of this contract, and all terms, conditions and covenants of this contract shall be binding and conclusive for that period on both parties hereto; but all such rights, conditions and covenants are hereby expressly limited to said period of forty years, which period shall begin on the taking effect of this contract and end forty years thereafter.

This limitation of time is agreed to be one of the chief considerations for the grant hereby made, and the said party of the second part, recognizing and conceding that such limitation of time as herein expressed is one of the essential and governing conditions of the contract, does hereby bind itself, its successors and assigns, that at the expiration of said period, it will peaceably yield possession of every part of every street and avenue in said city then occupied by its lines of street railway and cease the operation of the said railway plant and every part thereof, and from thence forward will make no claim of any kind to exercise any right whatever under the grant herein made, or under any charter or corporate rights, and any rights which might be claimed by said party of the second part, or its successors and assigns, to hold beyond said period of time, under the statute under which it was incorporated.

16. The said party of the second part, before exercising any of the rights and privileges hereby granted shall execute to the City of Fort Wayne, a good and sufficient bond in the sum of ten thousand dollars ($10,000.00) with good and sufficient sureties, to be approved by the said Board of Public Works, conditioned that the party of the second part, its successors and assigns, shall faithfully carry out and perform each and every agreement herein contained, and shall well and truly pay to said city all penalties, forfeitures and other sums of

money for which, under the terms of the contract it may become liable to said city, and said bond shall be renewed from time to time during said period on the demand of the said Board of Public Works of said city, whenever in the opinion of the Board of Public Works said bond has become insufficient for any reason whatever, by the accumulation of unpaid penalties, forfeitures, judgments or other claims against said second party, in favor of said city, the Board deems such renewal necessary. And in case the said party of the second part, its successors and assigns, shall on the reasonable demand of said Board, fail or refuse to renew such bond or furnish such additional security thereon as may be required, then its rights under this contract shall cease, and the franchise herein granted be forfeited, which forfeiture may be enforced in any court of competent jurisdiction. It is further agreed by and between the parties to this contract that the express and mail cars used under this franchise shall be of the same size and construction as a passenger car, except as to windows and inside finish. That on all streets and avenues herein authorized to be used, which are paved before such tracks are laid, the ties shall be laid upon a six-inch bed of concrete extending to the ends of the ties, and thereafter, whenever the streets on any part of the line of said railway shall be paved, a like bed of concrete shall be placed under the ties for such distance as the said streets or avenues may be paved.

17. It is further agreed by and between the parties that if said inter-urban line is not complete within the time in this contract stipulated, then all rights and privileges under the same are forfeited.

18. It is further agreed by and between the parties to this contract that the party of the first part hereby reserves the absolute right to grant to any person, company or corporation a franchise for the purpose of constructing an inter urban or sub-urban street railroad over the right of way herein granted, or any part thereof, after ninety days from the approval of this contract, and before the occupa-

of the same or any part thereof by said second party.

Said first party further reserves the right to grant to any person, company or corporation a franchise for an inter-urban or sub urban railroad over the ~~same~~ said right-of way or any part thereof herein specified after such occupancy of same by said second party its successors and assigns; Provided, that such grant shall authorize the use and occupancy according to terms and conditions provided in Section 8. And provided, further, that if said grant is made to any person, company or corporation after ninety days, and before the occupancy by said second party, that said second party in that case shall have the right to use and occupy said right of way, according to Section 8 of this contract.

And it is further agreed that said second party shall not use any portion of this right of way under Section 8 unless it shall construct, maintain and operate an inter-urban line, as hereinbefore provided between the city of Fort Wayne and the town of New Haven.

Party of the second part, its successors and assigns, obligates itself to run one extra car over its said lines within the city of Fort Wayne, in addition to those required for inter-urban use, for the purpose of providing a proper and sufficient city service. Said additional car to be run every fifteen minutes, if such schedule time is necessary to give the car service herein required, and upon order of Common Council

It is further agreed by the party of the second part, its successors and assigns that it is to accept transfer tickets from all inter-urban, suburban or city lines upon an equal division of the fare provided for in the city of Fort Wayne; conditioned, however, that such other lines shall accept transfers from the party of the second part, its successors and assigns, upon the same conditions.

It is agreed by and between the parties of this contract that all rights, privileges, conditions limitations and obligations of the second party, shall extend to and be binding

their successors and assigns.

It is agreed by and between the parties to this contract that in the construction of said railroad none of the rights and privileges herein granted, shall vest in the party of the second part, its successors and assigns, until said party of the second part, its successors and assigns shall have constructed their interurban railway from New Haven Indiana, to the east line of the city limits at Pioneer Ave.

It is further agreed by and between the parties to this contract that party of the first part is authorized and empowered to grant a franchise to any person, company or corporation, to occupy and use any part of said interurban or suburban railroad, that may hereafter come within the limits of the City of Fort Wayne, by annexation of territory by the Common Council; provided, that such use shall be upon the terms and conditions provided in section 8 of this contract.

19. The said second party, its successors and assigns hereby agree to place, keep in, erect, maintain and use in the operation of the said road, in underground conduits, wherever the Board of Public Works and Common Council are of the opinion that public safety requires it, and when ordered so to do by Board of Public Works and Common Council.

20. And whereas, heretofore, Stephen D. Fleming, the President of said second party, as an individual, and the first party hereto on the 2nd day of June, 1902, executed a contract which was approved by the Common Council of said city on the 11th day of June, 1902 providing for the use of certain streets of said city for street railway purposes by said Fleming, and the purpose and object of this agreement is to permit the use of such streets for said purposes by said second party, of which said Fleming is President in lieu of said former agreement. Now, therefore, it is mutually agreed by and between said first and second parties and said Stephen D. Fleming, as an individual, that the Common Council of said city, may upon its approval of this agreement, by the same ordinance repeal said former ordinance, and that thereafter said contract of June 2nd 1902, be set aside vacated rescinded and held for naught.

The undersigned party of the second part, hereby depos-

with the Board a certified check of $5000.00 to be forfeited to the city of Ft Wayne as stipulated damages; provided, that said contract is signed and approved by the said Board of Public Works and Common Council and party of the second part does not build the road, as provided in said contract.

Witness our hands and seal this 17th day of June 1902.

Attest (S.) The I. D. Fleming Company
Arthur H. Dougall Secy. by I. D. Fleming Treas
Stephen D. Fleming

The City of Fort Wayne
By Peter Eggemann
H. W. Doehrmann
H. C. Zollinger
Board of Public Works

Attest:
August M. Schmidt
Clerk.

Section 1. Be it ordained by the Common Council of the City of Fort Wayne, Indiana, that the contract and agreement heretofore, to-wit on June 17th 1902 made and entered into by the city of Fort Wayne, by and through its Board of Public Works of the said city, and I. D. Fleming Company, a corporation duly organized under the laws of the State of Indiana and Stephen D. Fleming, as an individual as fully set out in the preamble hereto, be and the same is hereby in all things confirmed and approved.

Section 2:- That the Ordinance entitled an ordinance approving a contract entered into by and between the city of Fort Wayne through its Board of Public Works with Stephen D. Fleming passed June 11th 1902 be and the same is hereby repealed.

Section 3:- This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor.

I hereby certify that the Common Council of the city of Fort Wayne, did at a regular meeting held on the 10th day of June, 1902, pass by a majority vote of all the members elect the ordinance hereunto attached No 196.

August. M. Schmidt.
City Clerk

Presented to the Mayor for approval on the 24th day of June, 1902.

August. M. Schmidt.
City Clerk.

I hereby approve General Ordinance No 196 this 24th day of June 1902

Attest
[illegible]

Henry C. Rybolt Mayor.

General Ordinance No. 197.

An ordinance establishing the wholesale market for vegetables, poultry, meats, fruits, and other produce, excepting hay, straw or wood upon and along Barr street between the right of way of the New York, Chicago and St Louis Railroad and the north line of Berry street, and providing the regulation thereof.

Section 1. Be it enacted by the common council of the city of Fort Wayne, Indiana, that on and after the passage and approval of this ordinance the wholesale market of vegetables, poultry, meats, fruits, and other produce excepting hay, straw or wood shall be located over and along Barr street between the New York, Chicago and St Louis R.R. and the north line of Berry street in the city of Fort Wayne and upon no other streets or avenue in said city shall any such market be maintained. The marketmaster of the city shall take and have entire control of such markets.

Section 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3. Any person violating any of the provisions of

this ordinance shall be fined in any sum not exceeding five dollars ($5.00).

Section 4. This ordinance shall be in full force and effect from and after its passage, approval by the mayor and legal publication.

I hereby certify that the Common Council of the City of Fort Wayne, Indiana, did at a regular meeting held on the 8th day of July, 1902, pass by a majority vote of all the members elect the ordinance herein to attached, General Ordinance No. 197.

August M. Schmidt
City Clerk.

Presented to the mayor for approval on the 12th day of July, 1902.

August M. Schmidt
City Clerk.

Repealed Feb 25-1919 See Book 4 Page 300

Council Ordinance No 111

An ordinance approving a contract entered into between the City of Ft Wayne through its Board of Public Works and the Ft Wayne Traction Company, together with the amendments made thereto Sept. 2nd, 1902.

Whereas on August 12, 1902, the Board of Public Works of the City of Ft Wayne, State of Indiana, on behalf of the City entered into the following agreement and contract with amendments thereto Sept. 2nd, 1902.

This agreement made and entered into this 12th day of August, 1902, by and between the city of Fort Wayne, Allen County, Indiana (hereinafter called the City), by and through its Board of Public Works, party of the first part, and The Fort Wayne Traction Company, (hereinafter called the company) party of the second part Witnesseth:

1.- That the party of the first part, by and through its Board of Public Works, under and by virtues of the powers conferred upon it, and the said Board [illegible] by the laws of the State of Indiana does hereby subject to the conditions herein expressed, authorizes and empowers the said party of the second part its successors and assigns from and after the [illegible] ratification of this contract by an ordinance of the Common Council of said city, to construct, use, maintain and operate a passenger street railway to be operated by electricity or other improved power, if approved by said Board, with all the proper and convenient tie rods, switches, poles and the necessary trolley and feed wires thereon, which may be necessary for the successful and proper operation of such street railway system in, and along and upon the streets and avenues of said city, hereinafter named and described and to charge, demand and receive from passengers, and from other companies using the tracks of said party of the second part, as hereinafter provided the rates of fares and charges as herein provided for, in consideration of and subject to the terms, conditions and limitations herein prescribed; namely:

(1.) A single track on Broadway from Creighton Avenue southward to a point four hundred feet south of Organ Avenue.

(2.) A single track commencing at the [illegible] intersection of Cameron street on [illegible] thence west on Dawson street to the center of Hoagland avenue to the north of Williams street; thence east on Williams street to the center of Fairfield avenue. Thence south on Fairfield avenue to the center of Creighton avenue. Thence west on Creighton avenue to the center of South Wayne avenue. Thence south on South Wayne avenue to Organ avenue.

(3.) A single track commencing at the intersection of the center of Creighton avenue and Calhoun Street; thence south on Calhoun street to the north of Fifth street, thence east on Fifth street to the north of Fourth street; thence north on Lafayette street to the center of Pontiac street; thence east on Pontiac street to Walton Avenue.

(4.) To extend the Lewis street line east and south to the intersection of Pioneer avenue with Walnut avenue on such streets and avenues as may hereafter be directed by the Board of Public Works and [illegible]

(5.) A single track on Huffman street from the center of Wells street to the center of Jesse avenue.

6.) An additional track on Main street from Calhoun street to the center of Broadway street.

(7.) An additional track on Columbia street from the center of Calhoun street to the center of Clinton street

(8.) A double track on Clinton street from the center of Main street to the center of Columbia street; provided however, that in the operation of its passenger street railway system, said second party, its successors and assigns, shall not use said loop for the purpose of storing

9) A double track on Lafayette street from the center of Main street to the center of Columbia street.

(10.) An additional track on Columbia street from the center of Clinton street to the center of Lafayette street.

Together with curves at the north west and south east corner of Calhoun and Main streets, to properly operate the passenger loop herein provided for, and all necessary curves, tracks, poles, wires and other necessary appliances to connect said several tracks herein authorized to be laid with other tracks, poles and wires of said company on other streets and avenues, with which by the terms of [illegible] agreement they are intended to and shall [illegible]

But it is expressly understood and agreed that said double track on Lafayette Street and additional track on Calhoun Street from the center of Clinton Street, to the center of Joy the street, shall be built maintained and operated by said second party, its successors and assigns when ordered by the Board of Public Works and the Common Council, and only in the event that one or more interurban roads shall be authorized and permitted to use the tracks of said party of the second part, its successors and assigns from the limits of said city to a central point in said city within the three blocks bounded by Clinton Street on the East, Clinton Street on the West, Main Street on the South and Division Street on the North, herein [illegible] to be designated as the "freight terminal".

It is further expressly understood and agreed that said Company shall not construct said extension of the said Lewis Street line unless hereafter ordered so to do by the Board of Public Works and Common Council of said city, but if so ordered by said Board of Public Works and Common Council said Company shall build and construct such extension of said Lewis street line as soon thereafter as it can procure the necessary labor and not exceeding one year from the time of such order.

The streets and avenues herein named and described are intended to be the streets and avenues now [illegible] and popularly known by the names herein used and described whether such names are in fact the legal designation of said streets and avenues.

It is further agreed that as soon as said tracks and extensions on Broadway, South Wayne Avenue and Calhoun Street are constructed and in operation, the said party of the second part, its successors and assigns shall operate a car on its tracks on Creighton Avenue between Broadway and Calhoun street, making connection as near as practicable, with its cars on Broadway and Calhoun street, and giving transfers to and from said [illegible] on Creighton Avenue to its cars on Broadway Calhoun street and South Wayne Avenue in addition to transfers at points provided for and without additional charges to passengers.

In consideration of the rights and privileges herein and hereby granted to said party of the second part, its successors and assigns, upon the considerations hereinafter

fixed and expressed, the said party of the second part agrees and binds itself its successors and assigns as follows, to-wit:

It is agreed by and between said parties, that the said party of the second part, its successors and assigns may charge and be entitled to receive and collect the following rates of fares and no more for each passenger over the age of five years, taking upon any car of said company within the limits of said city, and who shall have paid cash fare, five cents and no more.

That each car operated on any of its said lines in said city, there shall at all times be provided an ample supply of tickets to be sold and delivered to passengers desiring the same, and which shall be sold to such passengers on such cars at the rate of twenty-five cents for six tickets and no more, which tickets, by whomsoever presented and the cash-fare herein provided, shall be good at all times and on all lines of said company for a continuous trip within the limits of said city and shall entitle such passenger so paying such fare in cash or presenting any such ticket, to be carried from the place of entering such car to the central transfer point maintained by said company, and to receive a transfer ticket, which will entitle such passenger, in making such continuous trip, to be carried from such central point on any car on any other line of said company making connections at said transfer point with the car on which he arrives to any other point on the line within the limits of said city to which said passenger is transferred, but will not entitle such passenger to return in the same direction from which he arrived. But if no such connection on such other line is made then on the first car of said Company leaving said transfer point on such other line next after the arrival of such passenger at such transfer point.

3. Said company its successors and assigns, agree to furnish and provide a first-class passenger street railway system for said city, with modern cars well heated and equipped and kept in good repair and run and operate its cars to the terminal of said several lines of the streets and avenues, herein mentioned and described on a schedule time and not to exceed 15 minutes apart each way, and provided that all shall be provided with a motorman and conductor

4. Said company, its successors and assigns agree to make and complete all of said extensions on the streets and avenues herein mentioned and described within eighteen months from the approval and ratification of this contract, by the Common Council of said city; but if said company shall be unable to secure material, or shall be delayed in the prosecution of said work by injunction, or other causes beyond its control, such reasonable extension of time as may be necessary to cover the time of any such delay, shall be given beyond such period above mentioned.

5. The tracks of said company around the block bounded by Clinton, Columbia, Calhoun and Main streets are hereby agreed to and designated as the "Passenger Loop" and the said company hereby agrees that it will join an interurban company or companies using its tracks, under an agreement with it, as herein mentioned, for entrance into said from the limits thereof to said passenger loop to provide a joint waiting room at some point on or convenient to said loop, which will reasonably accomodate the passengers of said company and of such interurban company or companies, on condition that such interurban company or companies shall each pay an equal and pro rata share with the said party of the second part of the costs and expenses of procuring and maintaining such joint passenger waiting room.

6. The electric system used in the propulsion of the cars of said company, its successors and assigns, shall be the overhead system now in use by said second party on its other lines in said city, unless some other system shall be mutually agreed upon by the said Board of Public Works, Common Council and the said company, its successors and assigns but the said party of the second part its successors and assigns shall be liable to and pay said city for all repairs and damages hereafter to the water mains of said city caused by electrolysis from the operation of said system of street railway.

7. Said company its successors and assigns shall within one year after the approval of the contract pave the space between the rails on all streets now occupied by it which have heretofore been paved by said city.

but not by said company, with the same material used in the paving of the remainder of such streets and also when said city paves to pave between all the rails, including the space between the tracks, where there are switches or double tracks, on all said streets and avenues herein described and mentioned, and twelve (12) inches on the outside of the outside rails of said track on all streets and avenues herein described and mentioned, which shall hereafter be occupied and used by said company, its successors and assigns ~~said also pave~~ to the same extent all other streets and avenues heretofore and now in use and occupied by said company its successors and assigns in said city. All other portions of said streets and avenues now and heretofore used and occupied by said company, and all streets and avenues herein described and mentioned, which shall be hereafter used by said company, its successors and assigns, under the terms of this contract, are to be kept and maintained, and repaired and for the space of twelve (12) inches on the outside of the outside rails of the tracks of said company, and said company its successors and assigns shall also repave such portions of all said streets and avenues when and as often as the remaining portions of said streets and avenues are repaved by said city. All such paving to be done under and according to specifications both as to material and manner, as may be provided by the Board of Public Works under the supervision of the City Civil Engineer it being understood and agreed however, that said company its successors and assigns shall not be required to repave or maintain any portion of said streets and avenues with any more expensive material or in any different manner than the remaining portions of such streets and avenues are to be repaved and maintained in said [illegible]

Said second party shall refund to the property owners on East Columbia street between the east line of Calhoun street and the west line of Barr street the value of the pavements laid thereon between the outer rails of its tracks, including the track herein authorized to be laid, and for a distance of 12 inches on the outside of the outside rails of such tracks. Also to refund to said property owners the value of the

pavement on said Columbia street from the center line of Clinton street to the center line of Lafayette street between the outer rails of the additional track herein authorized to be laid and for a distance of 12 inches on the outside of outside rails, provided that said additional track is never ordered laid as herein provided. Also to refund to the property owners on Williams street from Hoagland avenue to Fairfield avenue the present value of the pavement between the tracks herein authorized laid and for the distance of 12 inches on the outside of the outside rail. Also to pay for that portion of the pavement of West Main street from the west side of St Marys river bridge to the city limits lying between the outer rails of its tracks and for the distance of 12 inches on the outside of the outside rail which pavement is now in process of construction, but if any portion of said pavement on said 12 inches on the outside of said outside rails of said tracks is assessed and paid by the property owners along said street, the value of said pavement and said 12 inches shall be refunded to said property owners by said party of the second part.

8th The building of such extensions the tracks of said company shall be laid with the most modern pattern of "T" or flange rails, as the Board of Public Works may determine, and of sufficient size and weight, and in all times kept in such condition and repair that passengers riding in the cars on the same will suffer no unnecessary discomfort by reason of such tracks being in anyway irregular, uneven or otherwise insufficient.

All poles on paved streets to be of Iron, and as streets or avenues are hereafter paved, the wooden poles thereon shall be displaced by iron poles. All poles shall be placed and maintained inside the curb line and all the poles wires and fixtures used in and by said street railway built over and along the streets and avenues herein mentioned and described, shall be so placed and maintained by the said party of the second part its successors and assigns so as not to interfere with the reasonable proper use of said streets and avenues

The tracks of said company shall not be elevated above the level of the grade of such streets and avenues and the same shall be laid and maintained so as to conform to the established grade of such streets and avenues as they shall from time to time exist, and in such way as to be no unnecessary impediment to the ordinary and proper use thereof by wagons, carriages and other vehicles upon or along such tracks at any point thereon with suitable bridges to be constructed and maintained at all gutter crossings under such tracks so as to permit the free and unhindered flow of water in and along said gutter. The tracks and rails shall conform with the grades of the streets now established, or as may hereafter be established by said city, and subject at all times to be taken up and relaid by the said company its successors and assigns at its or their expense whenever necessary for the purpose of regrading, paving or repaving or repairing such streets, constructing sewers, laying or repairing water mains or other pipes or any other public improvements. In case such rails or tracks shall not conform to the grade of the streets as above provided, the Board of Public Works shall notify said party of the second part to do such and the parties of the second part shall do the necessary work of making such tracks and rails conform to any such grade within thirty days time from the giving of such notice and upon failure so to do, the Board of Public Works shall have the right and shall change such tracks and make such improvements and charge the cost thereof to said company its successors and assigns; and in case such company its successors and assigns shall fail to pay said expense within thirty days after the said board has rendered a bill therefor, that the said city shall have the right of action to recover such amount against said company its successors and assigns, and it and they shall be liable upon a bond, which is hereinafter provided for, for any such amount. And in case of such failure to pay any such bill and suit is brought to recover the same either on such bond or otherwise, then the said city shall be entitled to recover in addition to the amount of such costs of improvement a reasonable attorney fee: provided however that said notice shall not be given at any time of the year unsuitable

for the doing of the work required unless the condition of said track is such as to endanger the safety of passengers. It is necessary in the prosecution of said public work to temporarily stop the operation of cars, it may be done by order of the Board of Public Works. And in such case the party of the first part shall be held free from all claims for damages by reason of the delay to the business and traffic of said party of the second part its successors and assigns.

9th. The said company its successors and assigns, shall be required at all times to run its or their cars so as not to unnecessarily impede public traffic, at intersections of public streets, alleys or avenues of said city, and their cars shall be stopped clear of cross streets. The cars of said company shall be entitled to the track in all cases; whenever any team or vehicle shall meet or be overtaken by a car, such team and vehicle shall give way to said car, nor shall any person wilfully or purposely obstruct or interfere with any of the cars by driving or stopping or causing to be placed or driven in a slow pace, or stopped by any team, vehicle or other obstruction in, upon or along, across or near the track of said line, after being notified by the motorman or the ringing of the bell or otherwise, and any person violating this section, shall upon conviction forfeit and pay a fine to said city of not to exceed, four dollars ($4.00)

It is also agreed by and between said parties that any improvement undertaken by or in the name of said city, or by contract for and with said city for the improvement of any street alley or avenue, said walk or crossing, or for the construction of any sewer or other public work shall not be impeded by said company its agents or employees, but said party of the second part shall do all in its power to advance such improvement by the moving of its tracks and poles and by relaying and placing the same when it becomes necessary, at its own cost, as herein provided, but the said party of the first part shall protect the said party of the second part its successors and assigns, as much as possible by requiring that the contractor for such public work does not intentionally, negligently or maliciously delay the same to the detriment of said company its successors and assigns

10. It is further agreed by and between the parties to this contract that all the rights hereby granted to said party of the second part its successors and assigns, to construct maintain and operate said passenger street railway lines or any part thereof in said city on the streets and avenues herein named and designated shall continue for the period of thirty five years from the taking effect of this contract, and all the terms, conditions and covenants of this contract shall be binding and continue for that period upon both parties hereto, and all such rights, conditions and covenants are hereby expressly limited to said period of thirty five years, which period shall begin on the taking effect of this contract and end thirty five years thereafter.

This limitation of time is agreed to be one of the chief considerations for the grant hereby made, and the said party of the second part, recognizing and consenting that such limitation of time is one of the essential and governing conditions of the contract, hereby binds itself, its successors and assigns, that at the expiration of said period it will peaceably yield possession of all those parts of the streets and avenues in said city herein expressly mentioned and described then occupied by its lines of street railway, and cease the operations of said railway on such portion of said streets and avenues herein expressly mentioned and described, and thereafter will make no claim of any kind to exercise any right whatever under the grant herein made, but such limitation of time of this contract and the ordinance approving the same shall not be construed in any way to limit any of the rights or franchises which said company or any of its predecessors or assignors have heretofore acquired and under or by virtue of which said company now owns, maintains and operates lines of street railway on other streets or avenues or other portions of said streets or avenues of said city herein named, nor shall such other rights or franchises or contracts be in any other way changed nor modified, except as herein expressly so

11. The said second party (herein designated the local company in reference to and as a distinction from the interurban company) for itself, its successors and assigns agrees to permit the cars of any inter-urban company to

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and transported over and along any of the tracks of said local company from the corporate limits of said city to and around the passenger and freight loops hereinbefore designated, to be thence transported again from said loops to the place of entrance for the following considerations, and subject to the agreement conditions and limitations herein expressed, namely:

1.) The local company agrees to and shall extend its track or tracks on any of the streets and avenues of said city upon which it now has or operates a line of street railway leading from the center of said city toward or near the present limits thereof, when so ordered by the Board of Public Works and Common Council on the same terms and conditions herein named provided, that the Board of Public Works and Common Council shall have granted to any person the right to use such streets, occupied by said local company, its successors and assigns and its tracks thereon for interurban street railway purposes; provided, however that said person or company shall first contract with said local company as hereinafter provided; provided further, that said local company be given at least reasonable notice of such intention and such interurban company shall enter into a contract with said local company, embodying the terms and conditions herein stated, and shall have its tracks laid to within five miles of said city, but no part of the winter months shall be included in the time limit of such notice.

Such extensions or extensions when ordered by the Board of Public Works and Common Council shall be constructed under the direction of the Board of Public Works and the City Civil Engineer, and shall be constructed in the same manner as to work manship and material as is provided as is provided for in Section eight (8) of this agreement, and said local company hereby obligates itself, its successors and assigns to pave and keep in repair all such parts of streets and avenues upon which such extensions are made in the same manner as provided for in Section seven (7) of this contract. It is also agreed and understood in case such extension or extensions are made, said local company its successors and assigns shall furnish and provide a first-class local passenger car service over such extended [illegible]

to the terminal thereof as provided in Sections two and three (2 & 3) of this agreement, and shall be fitted with the proper electrical appliances for operating the same as an electrical road and shall be constructed so that the tracks of such interurban company may be connected therewith. Provided, however, that nothing herein contained shall prevent the city from granting to any other person, company or corporation the right to construct and operate a line of street railway for local, suburban or interurban purposes, over and along any portion of the streets and avenues herein described not occupied by said company, its successors and assigns. It being hereby expressly agreed and understood that if any of the switches or double tracks of said local company are insufficient in width to permit the cars of such interurban company to meet and pass the cars of said local company or any interurban company that said local company shall have the right to, and shall at its own expense, widen such switches or tracks so as to permit the cars of such interurban company to freely and safely meet and pass its own or such other cars, but the tracks and tracks of such interurban company shall conform in width to the tracks of said local company, with what is commonly known as the standard guage, not exceeding four feet eight and one-half inches in width.

12. All cars furnished or used by said inter-urban company, which exceed eighteen feet in length, shall be double truck cars, and all cars shall be provided with apparatus and appliances for operating the same with electricity and equal in efficiency to that which may from time to time be used by said local company in the operation of its railway above referred to.

Said local company, shall also provide and maintain its tracks, wires, poles and powers so as to enable the employees of the inter-urban company to propel the cars of such interurban company from the point where it shall be ordered to meet an inter-urban line along and upon the tracks of said local company to said loops or loops hereinbefore designated, or such central point in said city as said city shall designate and return the

the tracks of such inter-urban company, in a proper and efficient manner, and shall also permit said inter-urban company, at some convenient point on said route, to connect by spur the tracks and power of said local company with the tracks which said inter-urban company may have provided for the storage of its cars or use for depot purposes.

2. Such inter-urban company shall only have such right to and privileges, and shall be subject to all the limitations and provisions within the city of Ft. Wayne, to which the local company by the terms of its franchises is subject, and providing for the ordinary delays, temporary inconveniences incident to the street railway business, or which may occur through fire, floods, strikes, riots, insurrections, breakage of material or unavoidable casualties, shall not be construed as contracted against by the local company and it shall not be liable in any manner or form. The local company shall receive all the cars of, or forwarded by the inter-urban company, and provide the power to propel the same over the route above specified, and return over the same to said corporate limits with reasonable dispatch and in such several numbers as will accommodate the incoming and outgoing traffic and patronage of said inter-urban company, such cars to be operated by the employees of such inter-urban company.

3. The interurban company shall agree to and shall pay to and said local company shall receive for all passengers carried on the cars of such inter-urban company, over the railway of the local company, or any part thereof, the sum of two and one-half cents, excepting for passengers taking passage within the boundaries of Ft. Wayne, but paying their fare by tickets sold by either of the companies, sold at the rate of six tickets for twenty-five cents for such passengers, the amount received by the said company for such tickets so sold and used on the cars of the inter-urban company shall be equally divided between said companies.

4. No tickets shall be sold for passage over the line of the local company within the boundaries of said city, except such as are sold by the said

to the passengers on said cars at the regular rates prescribed by the local company. All tickets sold for passage over railway of local company shall be received for passage on the cars of the inter-urban company and entered into account and division as above provided.

5. All tickets sold for passage over the railway of the local company shall be received for passage upon the cars of each interurban company or companies using its lines of said local company within the corporate limits of the city of Ft Wayne but for passengers carried in cars of the local company over its railway upon any such tickets sold upon cars of the interurban company, the local company shall be allowed and credited and paid by the interurban company the fare which the interurban company received for the same; and for passengers carried in cars of the interurban company upon any such tickets sold upon the cars of the local company, the interurban company shall be allowed, credited and paid by the local company one half of the net fare received by said local company

6. If any interurban company shall secure from the proper authorities in the city of Ft Wayne, the right to transport baggage, express, mail matter and freight over any part of the railway of the local company, said local company agrees to permit such baggage, mail and freight (excepting live stock) to be carried and transported over such part of its railway as is authorized to be used by said interurban company on the terms and conditions herein stated in such a manner as may be authorized by said City. Cars to be provided by the interurban company, and operated by its employes, the local company furnishing the electric power necessary to propel said cars.

7. For all freight, express, mail and package carried on the cars of the interurban company over parts of the local company's line authorized to be used by the interurban company in car load lots or in any way on cars provided for the carrying of such matters only, and not passengers, shall be paid for by the interurban company at the rate of $3.00 per car from the point of connection with said interurban road to the freight loop, or from said loop to said

point of connections, as herein before specified, or to any spur or sidetrack at or near the central portion of said city, provided by said interurban company and for the transferring or switching of any cars over any other line of said local company, an additional charge shall be made at the option of the local company having reference to the distance and difficulties of such transfer and switching, but such additional charge in any event shall not exceed one dollar per car.

No charge shall be made by the local company for baggage or mail matter carried in combination cars used for the carriage of passengers, baggage and express, but for packages, express matter and freight carried in such combination cars, said interurban company shall pay to the local company and it shall receive a proportionate share of the charges and receipts made and received by the interurban company, which proportion shall be based upon the distance or number of miles which the same shall have been carried over the railways of said respective parties. But it is agreed and understood that all combination cars shall at all times be operated for the carrying of passengers.

8 All cars of the interurban company shall be required to and shall at all times run at the same rate of speed as the cars of the local company shall run, and shall not be stopped or stand on the railway of the local company for the purpose of taking on or off of freight or so as to unnecessarily interfere with the proper operation of the cars of the local company.

9. A settlement shall be made between the local and interurban companies monthly, and on or before the 10th of the month, for the preceding month, and any balance then owing for the preceding month, shall be due and paid to the party to the whom the balance is found due and owing.

10 The interurban company shall provide its cars with fare registers or other devices or apparatus, to be approved by the local company, upon which the conductor and motorman shall correctly register the fares as received, showing the number of fares received and the kind and classes of fares received as provided herein.

Both said companies shall have the right to inspect such registers and apparatus and to keep account

the fares received, and the books of the inter-urban company, showing all fares received by it from the conductors and employees on each of said cars, and all passengers carried, shall be open to the inspection and examination of such local company, and their duly authorized agents and employees, and both companies shall be entitled to receive any and all information of every name and nature necessary or proper to enable them to ascertain the actual number of passengers express or freight carried upon the cars of such inter-urban company, while on the railway of local company, together with all other facts or information which may be necessary or convenient to properly carry out the terms of this contract, and so that both companies may be enabled to receive the amount of compensation herein expressed to be paid each respectively.

11. All cars of the inter-urban company operated on the railway of the local company, to be subject to all reasonable rules and regulations that may be made by the local company, relative to the schedule time on the running and operating of the cars, collecting of fares, avoiding of frauds, preventing of blockades, delays and disasters, and in general to the proper operation of such cars, it being understood and agreed that such rules and regulations shall be reasonable and for the convenience and economy of both parties hereto, and such as shall best tend to facilitate the prompt and efficient carrying on of the business of both said companies.

12. The local company shall furnish the necessary electric power to propel cars of the inter-urban company over such part of its lines as is authorized to be used by such inter-urban company, and in such a manner as not to retain the use of inter-urban cars upon its railway longer than is necessary for the prudent and prompt handling of traffic.

13. The inter-urban company shall pay the local company any and all costs, loss, damage or expenses of every nature and kind which the local company may sustain by reason of the carrying of freight, or the injury to persons or property of third parties, by reason of the negligence of the employees, including court costs and attorney fees, or any of them. If

inter-urban company, while so operating the cars of said inter-urban company over the tracks of the local company, but only after the local company gives the inter-urban company written notice of the pendency of any suit within ten days after the local company has received notice thereof, and also gives the inter-urban company opportunity to defend any such action so brought.

(14.) The inter-urban company shall conform in every respect to the laws of the state of Indiana and all laws and ordinances of the city of Fort Wayne and of all other public authorities, relating to the management, operation or control of the cars, so far as the same are applicable to such inter-urban [illegible]

15. The local company shall not be liable for any damages to the inter-urban company by reason of either of such companies being prevented by legal proceedings from running and operating cars of the inter-urban company over the railways of the local company or any part thereof. But in the event of any such proceedings, or litigation, the local company shall promptly notify the inter-urban company of the same and shall assist the inter-urban company in defending any and all such litigation in good faith and by any way and all proper ways, but such inter-urban company shall pay the local company all proper expenses and costs incurred by the local company for the defending of such litigation.

16. In the event that the inter-urban company shall at any time fail to pay any sums of money due the local company, when the same becomes due and payable as herein provided, and in case default shall continue for a period of sixty days, then in that event, the said local company, at its exclusive option shall have the right to refuse to receive and propel the cars of the inter-urban company over its railway, until all sums which are payable have been paid to the local company by such inter-urban company and said inter-urban company, if it fails to pay any sums of money which it may owe said local company, as herein provided, and shall remain in default for such payment for the period of sixty days as aforesaid, shall at once upon request in writing

of the local company cease to continue to tender its cars to the local company for operation along and over its railway, until such sum or sums due and payable as aforesaid, have been fully paid to said local company. Nothing herein contained or in the contract to be entered into between the local company and the inter-urban company, as herein provided, shall be held or construed to prevent either company from proceeding either in law or equity or otherwise, as it may desire to enforce any rights, which said company has or may have under the terms hereof or of such contract, but this right of the local company to refuse to operate the cars of the inter-urban company under the circumstances aforesaid, is in every respect held to be cumulative in addition to all other rights reserved to the said local company for enforcement and performance of the terms and conditions herein and of said contract. The right of the local company to refuse to receive and propel the cars of the inter-urban company, because of default of such inter-urban company to make payments shall not apply where there is an honest difference between the parties as to such indebtedness, in which event and in all other cases of difference between such companies, the matter in dispute shall be settled by arbitration, by each of the parties selecting a disinterested person and the two so selected, selecting a third, and the three hearing the matter or matters in dispute, making a finding and award, and such award so made, shall be binding and obligatory on such companies.

Such local company shall not extend its street railway beyond the boundary limits of said city so as to enter into competition with any such inter-urban company, so entering in any such contract with it, or do any act or thing that will depreciate or tend to depreciate the value of the property of such inter-urban company, but the extension of any of the lines of street railway of said local company to the present or future boundaries of said city, for the purpose of affording the proper street railway facilities to the inhabitants of said city, shall be permitted, and shall not be construed as entering into such competition with such inter-urban company, and,

such inter-urban company shall not enter into the operation of a street railway or railways within said city or become a competitor of said local company in the street railway business in said city, except as provided herein by the terms of this contract and will not during the continuance of such contract deliver its cars to any other company, in said city, it being the intention that said local company and such inter-urban company shall not enter into competition with each other but to operate for the mutual advantage of each other and which agreement and arrangement shall be of the essence of said contract and each and every of the terms of this contract, ~~may~~ [said local company and such inter-urban company] be enforced by any proceeding at law or equity, either by injunction or otherwise, as may effectually and promptly secure the terms thereof and enforce and complete the performance of each and every of the terms and conditions of said contract and both the said local company and each and all of such inter-urban companies, for themselves, their successors and assigns, shall mutually covenant and agree that neither of them will without the consent of the other seek or attempt in any manner or form appropriate, procure or obtain any right, title, use, lien or interest in or upon the property or railway of the other in any respect outside of or in addition to the rights, privileges and terms set forth and mentioned herein, but on the contrary all the rights of such companies relating to the subject matter of such contract, shall in every respect be regulated by the terms thereof, as herein stated.

Said contract shall bind the respective companies their successors and assigns and in case the rights, privileges and franchises of either of said companies shall be sold, assigned, transferred or leased, such vendee, assignee, transferee or lessee, shall be subject in every respect to each and all the conditions of said agreement. Said party of the second part herein, before exercising any of the rights and privileges hereby granted, shall execute to the city of Fort Wayne a good and sufficient bond in the sum of twenty thousand dollars, with good and sufficient security, to be approved by said Board of Public Works, conditioned that if the said party of the second part its successors and assigns shall faithfully carry out and perform each and all

agreements herein contained on its part, and shall well and truly pay to said city all penalties, forfeitures and other sums of money, which under the terms of this contract, said party of the second part may become liable to said city, and that said party of the second part will build and complete the extensions of its street railway upon the streets and avenues herein named.

Said bond shall be renewed from time to time during said period on the reasonable demand of said Board of Public Works of said city; whenever in the opinion of said Board the surety or sureties on said bond are insufficient, or whenever, by the accumulation of unpaid penalties, forfeitures, judgments or other claims, against said second party in favor of said city the Board deems such renewal necessary.

It is expressly understood that the said first party reserves the right to at any times regulate the speed of all cars run over and along any of the lines of said company, whether the same are those of an inter-urban company or of the local company.

And it is further expressly understood, that no authority or permission is hereby granted said second party to convey or transport freight of any kind over any of its said lines, only as it is authorized to do so by the authority and permission to interurban or suburban roads to use the lines of said local company.

In consideration of the rights and priveleges herein granted, party of the second part, its successors and assigns agrees to construct and operate extensions of its present lines or the lines herein granted from the terminals thereof, toward or to the city limits, at any times after two years from the approval of this contract by the Common Council, when ordered by the Board of Public Works, and Common Council upon and under the same terms and conditions as provided for the priveleges herein granted. Provided however, that before such order is made, by said Board of Public Works and Common Council there must be a public necessity for passenger street car service in the territory within the city, through which and into which said extensions are ordered made, and further, that when made, that said second part

its successors and assigns will realize a reasonable return upon the money invested in the construction and operation of such extensions within a reasonable time after the construction of the same.

In case party of the second part upon an order of the Board of Public Works and Common Council to make extensions, denies the existence of facts necessary to authorize such order under terms of this agreement or contends that the cost thereof would be largely in excess of any sum that the revenues derived from the operation of the same, would justify either at the time of construction or within a reasonable time thereafter, then in that event, the matter shall be settled by arbitration, by each of the parties selecting a disinterested person, and the two a third, and the three hearing and examining the matters of dispute, to make a finding either for or against the making of such extensions. That the arbitrators in considering the matters submitted to them, shall take into consideration the location of the territory through which extensions are demanded, as being near to or far distant from any other street railroad lines within the city, the population of the territory, the probable increase of population by the making of extensions, the costs of construction and the operation thereof by the company the probable additional revenues that the company in operating such extensions in connection with its other lines may realize, at the time of construction or within a reasonable time thereafter, and shall consider residents living in the territory in which said extensions are to be made and more than three blocks from such proposed extensions from the then terminals, as contributing to the additional revenues by reason of such extensions; this and other things pertaining to the subject matter before the arbitrators shall be considered by them in determining whether or not the extensions ordered by the Council or Board of Public Works, should be made. It being intended that extensions shall be ordered on the terms of this agreement, only when a public necessity exists for street car facilities in reasonably well populated territory. If the finding be against the city, the same shall be binding upon it for one year. If against the second party the same shall

be binding against it. If said second party fails or refuses for a period of six months to comply with any order of the Board of Public Works or Common Council to make extensions, if it does not deny the authority for the want of necessary facts, or if it does deny the authority, refuses to arbitrate or if it does join in arbitration and refuses to comply with findings made by the Board of Arbitration, then in either case, said second party its successors and assigns shall forfeit and pay to the city of Ft Wayne, the sum of five hundred dollars ($500.00) as stipulated damages and in case said second party refuses upon demand to pay such sums, the city shall have a right of action to recover such amount against said company, its successors and assigns; and it and they shall be liable upon the bond which is herein provided for, for any such amount, and in case of such failure to pay such amount and suit is brought to recover the same, then the city shall be entitled to recover in addition to such amount a reasonable attorney fee.

If said party of the second part shall fail to make such extensions, within six months after said forfeiture, shall have been declared, then said Board of Works and the Common Council may at such a time and every six months thereafter order such extension with like provision for reference to arbitration and a like forfeiture in each instance, in case of refusal. It shall be the duty of any Board of Arbitrators appointed under the terms of this contract to report upon the facts submitted to them within 60 days after their said appointment Provided however that nothing herein contained relating to the matter of making future extensions of the company's said lines of street railway, shall prevent the city of Fort Wayne through its proper officers from granting to any other person or persons, company or corporation the right to construct or operate street railway lines over and along any portion of the streets and avenues not occupied by said company upon which any of the extensions may hereafter be ordered to be made, and provided further that said company shall not be compelled to build extensions on any street upon which a franchise to construct or operate a street railway has been granted to any other

[illegible] corporation, nor shall a franchise be granted to any other person or company or corporation to construct and operate a street railroad upon that portion of any street on which said company has been ordered to make such extensions.

It is further agreed that the said company its successors and assigns will remove the poles and feed wires now maintained by it on Main street and on Lafayette street South of the Alley between Jefferson and Washington streets to the East side of Clinton street, from Holman street to the said alley between ~~Holman~~ Jefferson and Washington streets and thence east on said alley to Lafayette street, there connecting with its said poles and wires on Lafayette street.

Witness our hands and seal this 12th day of August 1902

The Ft. Wayne Traction Co.
By A L Scott. Gen. Mgr.
The City of Fort Wayne
By Peter Eggemann
Wm Dorkmann
H.C. Gallinger
Board of Public Works.

Attest—
A.M. Schmidt City Clerk

The City of Fort Wayne by and through its Board of Public Works and the Fort Wayne Traction Co. hereby consent to the amendments of the foregoing contract as recommended by the Common Council at its special meeting of Sept. 2nd 1902.

Witness our hands and seals this 2nd day of September 1902.

The Fort Wayne Traction Co.
By A.L. Scott. Gen. Mgr.
The City of Ft Wayne Indiana
By Peter Eggemann
Wm Dorkmann
H.C. Gallinger
Board of Public Works.

Section 1. Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that the contract and agreement heretofore to-wit on the 12th day of August 1902 made and entered into between the City of Fort Wayne through its Board of Public Works and the Fort Wayne Traction Company and the amendments [illegible]

of said city, which ordinance is hereby set out in the preamble hereto, be and the same is hereby in all things confirmed and approved.

Section 2. This ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

T. J. Schenck

I hereby certify that the Common Council of the city of Fort Wayne, Indiana, did at a special meeting held on the 2d day of September 1902, pass by a majority of all the members elect, the ordinance hereunto attached, General Ordinance No 198.

A M Schmidt, City Clerk.

Presented to the Mayor for approval on the 6th day of September 1902

A M Schmidt, City Clerk.

I hereby approve the above ordinance this 9 day of September 1902

T. J. Schenck Mayor

General Ordinance No 199.

An ordinance fixing the tax levy for city purposes for the year 1902.

Section 1. Be it ordained by the Common Council of the City of Fort Wayne, and that a levy of one dollar upon each $100.00 of assessed valuation of all property within the corporation limits of the city of Fort Wayne be made for the year 1902. That the above levy be divided as follows.

General purposes and interest	86
Sinking fund	05
Anthony Wayne Monument fund	.00¼
Firemens Pension fund	.01
Municipal electric light fund	.07½
Market house fund	.00¼
Total	$1.01

Also there shall be collected from each male inhabitant

liable by law poll tax of $2.00

Section 2. That all taxes shall be collected by semi-annual installments.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval by the mayor.

I hereby certify that the Common Council of the City of Fort Wayne, Indiana, at a special meeting held September 26 1902 did by a majority vote of all members elect pass the General Ordinance hereunto attached and known as General Ordinance No 199.

A. M. Schmidt City Clerk.

I hereby certify that General Ordinance No 199 was submitted to the Mayor for approval on the 2nd day of October, 1902.

A M Schmidt City Clerk

Approved October 2d 1902 H. C. Paul Mayor

General Ordinance No. 200.

Introduced by J. Bottlinger & B. Gerbrich

An ordinance requiring the Pennsylvania Company to erect and maintain safety gates at the crossing of its right of way with College street within the corporate limits of the City of Fort Wayne.

Section 1. Be it enacted by the Common Council of the city of Fort Wayne that the Pennsylvania Company is hereby required to erect and maintain safety gates on each side of its tracks where the same cross College Street in the city of Fort Wayne.

Section 2. Reliable and competent men shall be employed to operate such gates when erected from 6 A.M. to 11 P.M. of each day.

Section 3. Said company failing to erect and maintain safety gates at said crossing herein provided shall be fined the sum of ten Dollars, $10.00, on complaint of any citizen of said city, first before the Judge of the Municipal Court of the city of Fort Wayne, and every day the crossing is allowed to remain without safety gates shall be deemed a seperate offence. It is hereby provided that sixty (60) days time shall be given to said Pennsylvania Company to erect said gates herein provided for.

Section 4. This ordinance to be in full force and effect on and after its passage, approval by the mayor and legal publication.

Done in the council chambers of the city of Fort Wayne, Indiana, this the 9th day of December, 1902.

I hereby certify that the Common Council of the city of Fort Wayne, Indiana, at a regular meeting held on the 9th day of December, 1902, by a majority vote of all members elect did pass the within and foregoing ordinance attached and known as General Ordinance, No. 200.

(Illegible)
City Clerk.

Presented to the mayor for approval on the 11th day of December, 1902.

(Illegible)
City Clerk.

Approved December 11th, 1902.

W. C. Berghoff
Mayor.

General Ordinance No. 201.

An ordinance regulating the gathering and removal of kitchen garbage, tin cans, broken dishes, etc.

Section 1. Be it ordained by the Common Council of the City of Portsmouth that it shall be the duty of the Board of Public Works to provide for the collection and removal of all kitchen garbage that may be furnished by residents of the City of Portsmouth, except from hotels, saloons, and boarding houses, and to haul away all tin cans and broken dishes, provided the same is placed within the reach of garbage collectors and to that end said Board of Public Works is authorized and directed to secure competent and efficient men to collect and remove to the city crematory all such garbage at least twice each week from the said day of May to the first day of October of each year and at least once each week for the balance of the year and to likewise carry away tin cans and broken dishes if collected in the manner herein provided.

Section 2. That for the purpose of promoting the comfort of the citizens and the cleanliness of the city and preventing noxious and offensive odors therein, and for the purpose of facilitating and assisting the Board of Public Works of said city in collecting, carrying and disposing of kitchen garbage provided for in section one (1) and for the carrying away of tin cans and broken dishes, it shall be unlawful for any person to throw out, empty or place on any lot, ground, streets or alleys in said city any kitchen garbage, slops, vegetables or animal waste, commonly called garbage at any time but each and every person making, having or necessitating any such garbage herein designated, shall have the same and every part thereof, excepting drainage, in a closed iron can with handles and tight lid thereon, and of such a size as the necessity of each individual case may require. Tin cans containing garbage shall be placed at a convenient place for garbage collectors and just within rear lot line if conditions are such as will enable it to be done.

The head of every family or any person occupying or having control or authority over any place or premises where such garbage is made, except saloons, hotels, restaurants and boarding houses, shall be required to attend to the collecting, securing and disposing of all said garbage in a manner in this ordinance provided.

It shall be unlawful to mix tin cans, broken dishes, yard and house sweepings with kitchen garbage, but when tin cans and broken dishes are collected and placed in a separate box convenient

garbage collectors, the same will be removed without expense to property owners.

It shall be the duty of the Commissioner of Health to adopt some practical design of can of the kind and character herein designated, and receive bids for making and furnishing the same. That said cans shall be sold to purchasers thereof at the wholesale price of same to the city. The object and purpose is to obtain a uniform, durable and practical garbage receiver, that will subserve public health and enable garbage collectors to do their work with greater dispatch than they now do.

Section 3. Any person violating any provisions of this ordinance or failing or neglecting to perform one or either of the duties herein imposed shall upon conviction be fined for each violation of any day or for each day of such failure or neglect of duty in any sum not exceeding fifty dollars ($50.00).

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall be in full force from and after its passage, approval by the mayor and legal publication.

Done at the council chamber in the city of Fort Wayne Indiana, on the 8th day of December, 1902.

I hereby certify that the Common Council of the city of Fort Wayne, Indiana, at a regular meeting held December 8th, 1902, by a majority vote of all members elect did pass the ordinance hereunto attached and known as General Ordinance No 201.

[illegible]
City Clerk.

Presented to the mayor for approval on the 11th day of December, 1902.

[illegible]
City Clerk.

Approved December 11, 1902

M. C. Bergdoll
Mayor

General Ordinance No 202.

An ordinance confirming and approving a certain contract and agreement made and entered into this 13th day of January, 1903 by and between the city of Fort Wayne through its Board of Public Works and C.B. Flemming Company.

Whereas heretofore, to wit: On the 13th day of January, 1902 the city of Fort Wayne by and through its Board of Public Works entered into the following contract and agreement with C.B. Flemming Company, viz:

This agreement, made and entered into this 13th day of January, 1902 by and between the city of Fort Wayne, Indiana, hereinafter called the city, by and through its Board of Public Works, part of the first part and C.B. Flemming Company, a corporation duly organized under the laws of the State of Indiana, its successors and assigns, party of the second part witnesseth:

That whereas the said parties have heretofore entered into a contract providing for the construction of a street railway upon and over certain streets in the city of Fort Wayne, specifically named and mentioned in said written contract which contract was late June 17, 1902 and was duly approved by ordinance of the Common Council passed at a special session of the Common Council of the city of Fort Wayne held on the 27th day of June, 1902, which contract and ordinance is duly set forth in Ordinance record No One pages 532 to 55[illegible] of the records of the Common Council of the city of Fort Wayne.

And whereas it is provided in section 11 of said contract and ordinance that "the party of the second part, its successors and assigns, shall build an interurban line from the city of Fort Wayne, Indiana, to the town of New Haven, Allen County, Indiana, and that all rights and privileges granted herein by the party of the first part to the party of the second part, its successors and assigns, shall forfeit, terminate and the contract herein and thereby if the party of the second part, its successors and assigns, shall not have constructed and in operation such railroad from the terminal thereof in the city of Fort Wayne to said town of New Haven, by the 1st day of May, 1903, unless on account of Acts of Providence litigation or from unavoidable delay, in which event the Board of Public Works of said city may grant a reasonable extension of time, provided that the same is approved by the Common Council.

And whereas, on the 4th day of August, 1902, an action was brought in the Superior Court of Allen County by Elmer E. Evans and twelve others, as plaintiffs, against the party of the second part, C.B. Flemming Company, and the city of Fort Wayne as defendants, all of said parties plaintiff being owners of lots

abutting upon Berry and Monroe streets in the city of Fortwayne named in said contract and ordinance, and said action was for the purpose of enjoining the party of the second part, its successors and assigns, from carrying out said contract made with the party of the first part on the 17th day of June 1902, and to prevent the party of the second part, its successors and assigns from using and occupying under said contract portions of Berry and Monroe streets in the city of Fortwayne. Said action was vigorously prosecuted by the attorneys for the plaintiff and it succeeded would prevent the party of the second part from carrying out said contract and would render useless to the party of the second part the franchise granted in said contract, not involved in said action. And whereas said action for change of venue was tried upon the questions arising upon the pleadings by the Honorable Walter H. Smith Judge of the Allen Circuit Court and a decision was rendered on the 8th day of December 1902, holding against the plaintiffs in said action as to their right to an injunction except upon averments of the complaint that the said Berry and Monroe streets are so narrow as to make the use of such streets by a street railroad company destructive to the use of such portions of said street by the plaintiff when the same is owned to be of the narrowed width.

Therefore it is agreed that the time fixed for the completion of the electric railroad described in said contract and ordinance shall be extended for a period of four months and four days, and that the party of the second part, its successors and assigns shall have until the 5th day of September 1903 within which to complete the construction of its Electric railroad described in said contract. That in all other respects said contract and franchise as made and entered into and approved by the Common Council, as aforesaid, shall remain in binding force and effect upon all the parties hereto.

Witness our hands and seals this 13th day of January, 1903.

The City of Fortwayne, Indiana
By Peter Eggeman
Wm Dworkman
H.C. Zollinger
Board of Public Works.

Attest: Allen Schmidt
Clerk.

The K.B. Flemming Company
By K.B. Flemming, Pres.

Section 1. Be it ordained by the Common Council of the city of Fort Wayne, Indiana, that the contract and agreement heretofore, to wit: on the 13th day of January, 1903, made and entered into on the part of the city of Fort Wayne, Indiana, and through its Board of Public Works, with the L.P. Fleming Company, as fully set out in the annexed hereto, be and the same is hereby in all things confirmed and approved.

Section 2. This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor.

Done at the council chamber in the city of Fort Wayne, Indiana, this the 29th day of January, 1903.

I hereby certify that the Common Council of the city of Fort Wayne, Indiana, did, at an adjourned meeting held on the 29th day of January 1903, pass by a majority vote of all members elect, the ordinance hereunto attached, known as General Ordinance No 203.

Attest: A.W. Schmidt
City Clerk.

Presented to the Mayor for approval on the 5th day of February, 1903.

A.W. Schmidt
City Clerk.

Approved February 7th, 1903.

Henry C. Berghoff
Mayor.

Approved February 9th, 1903.

H.C. Berghoff Mayor.

General Ordinance No. 203.

Introduced by P. J. Schied

An ordinance approving the contract entered into between the city of Fort Wayne, through its Board of Public Works and the Pennsylvania Company, lessee of the Pittsburg, Fort Wayne and Chicago Railway Company:

Whereas, on January 22nd 1903, the Board of Public Works of the city of Fort Wayne, State of Indiana, on behalf of the city entered into the following agreement and contract:

This Agreement made and entered into this 22nd day of January 1903 by and between the city of Fort Wayne, by and through its Board of Public Works, party of the first part and the Pennsylvania Company, lessee of the Pittsburg, Fort Wayne and Chicago Railway, party of the second part, witnesseth:

That party of the first part does hereby grant to party of the second part, its successors and assigns, subject to laws and ordinances now in force, authority and permission to lay a single track diagonally over and across the intersection of Hayden street with Francis street, connecting the railroad grounds with the grounds owned by Krudop. The permission and authority hereby given is upon the following terms and conditions: That the tracks herein authorized to be laid shall be so placed as will not interfere with the public use of said streets. That the grade of the same shall be at all times so maintained as to not interfere with public travel. That the use of said to be subject to laws of the State of Indiana and the ordinances of the city of Fort Wayne.

Witness our hands and seal this 22nd day of January, 1903.

Pennsylvania Company

By J. B. McKinnan, Superintendent.

Peter Eggemann
Wm. Doehrmann
H. C. Rollings
Board of Public Works.

Attest: Wm. L. Smith
Clerk.

Section 1. Be it therefore ordained by the Common Council of the City of Fort Wayne, Indiana, that the contract and agreement hereinbefore, to wit: on the 22nd day of January, 1903, made and entered into between the city of Fort Wayne, through its Board of Public Works and the Pennsylvania Company, as fully set out in preamble hereto be and the same is hereby in all things confirmed and approved.

Section 3. This ordinance to take effect and be in force from and after its passage and approval by the mayor.

Done at the council chamber in the city of Fort Wayne, Indiana, this the 24th day of February, 1903.

I hereby certify that the common Council of the city of Fort Wayne, Indiana, did at a regular meeting held on the 24th day of February 1903 by a majority vote of all members elect, did pass the ordinance hereunto attached and known as General Ordinance No. 203.

Attest: Wm. Schmidt, City Clerk

Presented to the mayor for approval this the 25th day of February 1903.

Wm. Schmidt, City

Approved February 27th, 1903.

N. C. Berghoff

Mayor.

General Ordinance No. 204.

Introduced by P. J. Schaid.

An ordinance approving the contract entered into between the city of Fort Wayne, through its Board of Public Works and the Pennsylvania Company, lessee of the Pittsburgh, Fort Wayne and Chicago Railway Company:

Be it ordained by the Common Council of the city of Fort Wayne, State of Indiana, that the following agreement and contract:

This agreement made and entered into this 22nd day of January, 1903 by and between the city of Fort Wayne, by and through its Board of Public Works, party of the first part, and the Pennsylvania Company, lessee of the Pittsburgh, Fort Wayne and Chicago Railroad, party of the second part, witnesseth:

That party of the first part does hereby grant to party of the second part, its successors and assigns, subject to laws and ordinances now in force, authority and permission to lay an additional track over and across Wayne street at or near the west north track and others lying south thereof. Also permission and authority is given to said party of the second part to rearrange its tracks now crossing said Wayne street. The permission and authority herein given is upon the following terms and conditions, that is to say: 1st. That the additional track authorized to be laid shall be so laid as not to interfere with the public use of the street and the use of it subjected to the ordinances of the city of Fort Wayne

and the laws of the State of Indiana.

2nd: In the re-arrangement of the tracks now crossing said Hanna Street said second party shall occupy no more space than it now does, and to so locate said present tracks as not to interfere with the public use of said street and likewise be subject to all laws and ordinances in the use thereof.

Witness our hands and seals this 22nd day of January, 1903.

Pennsylvania Company
By J.B. McKinnie, Superintendent.

Attest:
Alb. Schmidt
Clerk.

Peter Eggeman
Wm. Peterman
H.C. Zollinger,
Board of Public Works.

Section 1. Be it therefore ordained by the Common Council of the City of Fort Wayne, Indiana, that the contract and agreement hereto for, to wit: on the 22nd day of January 1903 made and entered into between the City of Fort Wayne, through its Board of Public Works, and the Pennsylvania Company, lessee of the Pittsburg Fort Wayne and Chicago Railway Company, be fully set out in preamble hereto and the same is hereby in all things confirmed and approved.

Section 2. This ordinance to take effect and be in force from and after its passage and approval by the mayor.

Passed in open council in the City of Fort Wayne, Indiana, this the 24th day of February, 1903.

I hereby certify that the Common Council of the City of Fort Wayne Indiana, at a regular meeting held on the 24th day of February, 1903, by a majority vote of all members elect did pass the ordinance hereunto attached and known as General Ordinance No. 204.

Alb. Schmidt, City Clerk.

Presented to the mayor for approval this the 27th day of February, 1903.

Alb. Schmidt, City Clerk

Approved February 27th, 1903.

H.C. Berghoff
Mayor.

General Ordenance No. 205

Ordinance approving contract

An ordinance approving a contract entered into between the City of Fort Wayne Indiana, through its Board of Public Works, and Samuel M. Foster, H. P. Brent, Charles McCulloch, H. E. Wossman, Louis Fox, George H. Beard, W. J. Vesey and S. S. Fisher made January 26, 1903:

Whereas, on January 26-1903, the Board of Public Works of the City of Fort Wayne State of Indiana on behalf of the city, entered into the following agreement and contract:

This agreement made this 26 th day of January, 1903 by and between the City of Fort Wayne by and through its Board of Public Works party of the first party, and Samuel M. Foster, H. P. Brent, Charles McCulloch, H. E. Wossman, Louis Fox, George H. Beard, W. J. Vesey, and S. S. Fisher parties of the second part, hereinafter referred to as the company and as party of second part, witnesseth:

That the party of the first part does hereby grant unto the party of the second part, its successors and assigns subject to any laws or ordinances now in force, or hereafter enacted, or put in force as other regulations may and permission to use the streets, alleys, public places of and within the City of Fort Wayne as may at any time during the life of this grant, for the purpose of heating water or steam and distributing and supplying hot water and steam, or either thereof for heat or power or either thereof by means of pipes, conduits and appurtenances underground; or either or any thereof; provided however, that said streets shall not be used absolutely only where it is necessary to reach private or public buildings. The foregoing grant is and shall be upon the following terms and conditions that is to say:

(1) The stations for generating or creating heat for distribution, may be established and maintained by the second party, upon ground owned or leased by it at suitable points in said city; and all

buildings, structures, machinery and appliances shall conform to the fire and building ordinances of said City, and shall be at all times subject to the inspection and all reasonable regulations of the Board of Public Works.

(2) Whenever the second party shall desire to construct any appliances for the distribution of heat, as aforesaid, through the territory to be supplied by such stations, respectively, it shall prepare and place on file in the office of the Board of Public Works of said city, maps, plans and specifications of such proposed construction which specifications shall include all excavations and all underground apparatus and appliances of every kind and description, showing the exact location of all pipes, conduits, ducts and other appliances, the depth below the surface of the streets, and in general, where and how such construction is to be done, and shall conform in all respects to the provisions of this contract and any ordinance of the common Council relating to the public safety and health, which maps, plans and specifications shall be approved without unnecessary delay by the said Board of Public Works, and a permit to cut into the streets, alleys, and public places shall be issued to the said party of the second part before such work shall be begun. Alleys, instead of streets, shall be used wherever practicable. The Board of Public Works shall have the power to designate at what point in the street, alley or public place shown upon such maps, plans and specifications, the trenches, conduits or other appliances used by said second party in the distribution of heat, shall be located. In case of a dispute between any property owner and said second party as to the location of any of the appliances aforesaid, or a change

of location of any such trench conduit or other appliances may be deemed necessary, the decision of the Board of Public Works as to such location shall be final.

(3) Upon filing any such maps plans specifications, and their approval, as afore said, said party of the second part may make the specified excavations and lay the specified pipes, conduits and other appliances underground, all with suitable and safe connections and appurtenances to constitute an entire plant, which said second party may thereafter maintain, repair, improve, extend, add to and operate during the life of this grant, subject to its terms and conditions, such extensions being first approved by the Board of Public Works.

(4) It is also agreed that all underground conduits, pipes, ducts and appliances used in the construction of said plant shall be placed at such depth that the top of all parts thereof shall be not less than two feet below the surface of the street, alley or public place where they are located, and shall be so located and constructed as not to interfere with or disturb existing surface or underground structures conduits, pipes or other property belonging to other corporations, companies or persons, or water pipes, sewers or sewer connections. Nothing contained herein shall preclude said city from prosecuting or authorizing any future public work of any character, but in the prosecution of any public work or improvement hereafter, the said Board shall have the right, if it deems the same necessary, to require the temporary removal of any pipe, conduit duct or appliance, authorized by this contract to be laid, and the same shall be removed, or necessary changes made therein by the said second party, so as to conform to the lines of this contract with the surface grade of any unimproved

street, alley or public place ordered to be improved on the order and requirement of the said Board, and in case of failure on the part of the said second party to comply with any such order or requirement then the said Board may make such removal or change, and the necessary cost thereof shall be paid by second party to the City Comptroller upon proper demand being made therefor.

(5). It is also agreed that all the work of the construction or repair of that part of the second party's plant that is located in any of the streets, alleys or public places of said city shall be under and subject to the supervision of inspectors to be appointed by the said Board of Public Works, the said inspectors to be appointed and to begin the inspection and supervision of said work or repair as soon as the said second party shall have completed the excavation therefor and all the necessary expense for the employment of all such inspectors shall be paid by the said party of the second part to the City Comptroller on demand. The Board of Public Works of said city shall at all times have the right to inspect superintend and control the construction of the conduits, manholes and other appurtenances which may be constructed as part of said plant, and the right is hereby reserved to said Board to order any change made from time to time for city purposes; all such changes to be made by the said second party without expense to said city. In case the said party of the second part shall neglect or refuse to obey any instructions of said Board with respect to the alterations to be made, the said Board is authorized to make the same, and collect the cost thereof from the said party of the second part.

(6) The said party of the second part agrees and binds itself that in the construction or repair of said plant, it will not, at any time open or encumber more of any street, alley or public place than may be necessary to enable it to perform the work of laying its pipes, conduits conductors and other appurtenances with proper economy and efficiency and that no opening of or encumbrance to any such streets alleys or public places shall be permitted to remain or continue for a longer period than may be necessary in the judgment of the Board of Public Works; and that it will properly and effectually guard all such openings and encumbrances with such barriers and lights as will prevent the happening of accident or injuries by reason thereof. The said party of the second part also agrees and binds itself to hold the City of Fort Wayne harmless as against any and all damage done by it to the streets, alleys, avenues and public places within such city, or the infringement of any patent which may be alleged against such second party, either in the course of construction or operation of said plant.

(7) The said party of the second part shall have the right to tap or connect with any sewer in any street, alley or public place occupied by any of the pipes, casings or appliances of the party of the second part for the purpose of draining such pipes, casings and appliances and the trenches in which they are laid, provided plans and specifications showing where and how such tappings or connections shall be made have been first filed with and approved by the Board of Public Works and a permit issued therefor, all of which work shall be done under the supervision of inspectors appointed by said Board of Public Works as provided

on section four (5) of this contract.

(8) Before the party of the second part shall begin its work of construction, it shall execute to the party of the first part to the approval of its Board of Public Works a good and sufficient bond in the sum of Ten Thousand Dollars ($10,000.00), which said bond shall be conditioned for the faithful performance by said party of the second part of each and every stipulation and agreement contained in this contract, and for the carrying out of all the terms and conditions thereof during the entire period and term covered thereby; and the said Board of Public Works shall have the right at any time during said period, whenever the surety of said bond shall not be deemed ample and satisfactory or said bond has been impaired by money payment thereon, to require such additional surety thereon as it may deem necessary and if said party of the second part shall on written demand of such Board, refuse or fail to furnish such additional surety, then its rights under this contract shall cease and the franchise hereby granted be forfeited, and such forfeiture be enforced in any court of competent jurisdiction.

(9) Said party of the second part agrees, unless prevented without fault of its own, that it will within six (6) months after the approval of this contract by the Common Council of the City of Fort Wayne, begin the construction of its plant, and will, within a year thereafter have substantially completed a plant with a capacity sufficient to furnish 100,000 square feet of radiation to consumers.

(10) It is further agreed that said Company shall be entitled to charge the persons to whom it furnishes heat under this contract seventeen cents (17¢) for each square foot of radiation furnished by it and heated by hot water, and thirty cents (30¢) per square foot for radiation furnished by it, heated by [illegible]

Such charges to be made to all its patrons who consume such heat upon a flat or contract rate. But the said Company may furnish such heat to its consumers by meter measurement in which event the rate charged by it for steam heat shall not exceed fifty cents (50¢) for each one thousand pounds of distilled water condensed by the consumer and in the event that any practical mode of measuring heat furnished by hot water is discovered, then it may charge consumers for hot water heat furnished by it by meter measurement, but said charges for hot water by meter shall not exceed 17/ of the charge herein fixed for steam heat by meter for cost of radiation furnished; Provided, however, that if during any one year the average market price of Block Coal of Miami and Sugar Creek Lump, Hocking Valley Coal, delivered F O B car at Fort Wayne exceeds two and one half dollars ($2.50) per ton, then the prices herein stipulated for hot water and steam heating either on flat rates or by meter measurement may be increased in the same proportion that $2.50 is to the average price of said coal in excess of $2.50 for said year, but no longer unless the price of coal should be maintained in excess of $2.50. It is understood and agreed that the prices herein stipulated subject to a conditional increase are the controlling prices, and are not to be increased, unless as herein provided, and in that event, only for such a time as the annual average market price of coal in Fort Wayne exceeds $2.50 per ton.

The company shall have the right to establish rules and regulations as to the mode, manner and extent to which the buildings of its consumers shall be fitted with proper apparatus and distribution of said heat; Provided, however, That no consumer shall be required to install more feet of radiation, either for the use of hot water or steam than is necessary to maintain seventy degrees temperature on the coldest day, and said Company furnishes hot water at the temperature and pressure hereinafter stipulated at the intake during zero weather: And provided further, That the party of the first part is authorized and permitted to make tests of temperature

of water or pressure of steam that is supplied by second party at any point on intake lines of consumer of said second party.

(11) Party of the second part agrees to furnish at the intake of the consumer steam at a pressure of seven pounds or hot water at 210 degrees of heat at a proper circulation, sufficient to maintain a temperature of 70 degrees Fahrenheit within the house of the consumer in zero weather. Provided that radiation is installed according to the rules of the Company. If such maximum temperature of 70 degrees is not maintained there shall be allowed by such second party, from the charges against the consumer, a discount justly proportioned to the loss of temperature below said maximum; Provided, however that there shall be no charge against such consumer for such time during the months of October, November, December, January, February March and April, when such temperature shall fall below fifty five (55) degrees Fahrenheit, and provided, also, that such discount shall not be required where the second party has not been notified in writing of such insufficiency of heat and given an opportunity to discover the cause, and, if due to second party's service, to remedy same, nor shall they be required where the cause is due to defective radiation or to violation of the second party's rules for receiving and distributing the heat, or to defective construction of building or to any fault of the consumer.

(12) The said company agrees that it will from time to time extend its said heating system to all parts of the City of Fort Wayne, under the following terms and conditions: As often as citizens desiring to receive the service of said Company shall present to it written contracts by which they agree to take and receive from said Company heat furnished by it in such quantity that the number of feet of radiation of the proposed consumers shall equal seven feet of radiation for each foot of underground mains required to be constructed by the Company to such consumers such contracts to be for

the period of three years and by responsible persons, it will extend its mains and furnish heat to such consumers as soon as it can with reasonable diligence be done.

(12) It is further agreed, in consideration of the privileges herein granted by the first party that the second party will pay annually at the close of each fiscal year of the party of the second part the sum of two per centum of the gross receipts derived by the party of the second part for the furnishing of heat, under the provisions of this contract, and it is agreed that the party of the second part shall at the close of said fiscal year render the first party a full statement of such gross receipts, verified by the party of the second part. In the event that doubt shall arise as to the accuracy of such statement, it is agreed that the Comptroller of said city shall have access to and the privilege of examining the books of the party of the second part and determine therefrom the amount of such gross receipts, and the sum by him ascertained shall constitute the basis for said per centum charge.

(13) All rights, privileges and concessions herein granted to said Company, party of the second part are expressly limited to a period ending January 1st, 1935, which limitation of time is hereby declared to be one of the considerations for the grants herein contained.

(14) To the end that at the expiration of said period for which said grant is made there may be no doubt exist as to the respective rights of the parties hereto, it is agreed;

(a). If, at any time, not less than three (3) months nor more than six (6) months before the expiration of said term a new franchise and right to occupy the streets, alleys, avenues and public places of said city, and to supply hot water and steam or either thereof, by means of pipes, conduits or either or any thereof, shall not have been granted to said Company, its successors and assigns by the proper officers of said city, then, the said city shall have the option to become the purchaser and owner of all the tangible property of said Company, by the payment to the person

company or corporation owning the same the fair cash value of such tangible property as constituting an operating plant and system, and in case of said city, through its proper officers and the said person, company or corporation are unable to agree as to the fair cash value, as aforesaid, of such property, the same shall be determined by a committee of three arbitrators, one of whom shall be chosen by the Mayor of said city, one by the owner of the plant, and the third by the two chosen above, said third member of said committee to be a disinterested and reputable mechanical engineer, not residing in the state of Indiana, and not at the time of his selection, in the employment of either of the parties to said contract, and the finding of the majority of such committee as to such value shall be binding on both the city and the said owner and the said city shall be bound to pay and the said owner shall be bound to receive the said amount as the purchase price of said property: Provided that nothing herein contained shall be so construed as that the city shall be compelled to purchase said tangible property or any part thereof unless, by its officers it shall elect to have the cash value thereof, as aforesaid, appraised as hereinabove provided, and the Common Council of said city shall at the proper time have made the necessary appropriation for such purpose.

If the said committee of arbitration is selected and act as above the charges of such committee for services shall be borne equally by the owner and the said city.

(b) If, within three (3) months prior to January 1 at 1936, this contract and franchise hereby granted shall not have been renewed or extended by a new contract ratified by ordinance, and if said city shall not have exercised its optional right to purchase the tangible property of the owner thereof, the said city shall have the right through its proper officers to enter into a contract with, and grant a franchise to another person, company or corporation to operate said

property upon such terms as may be fixed by such contract for a period commencing on the date of the expiration of the franchise herein granted and such person, company or corporation to which such new franchise may be granted, may become the owner of the said tangible property and have the right to operate the same upon the payment to the Company, party of the second part, or to whomsoever may then be the owner of such property, the fair cash value thereof as an operating plant and system, and if said person company or corporation to which such new franchise is granted and the person, company or corporation owning such property, shall be unable to agree as to the fair cash value of said property, as aforesaid, then the same shall be determined by a committee of three(3) arbitrators to be chosen one by each of said parties and the third by the two so chosen by the parties, said third member to be a disinterested and reputable expert mechanical engineer, not residing in the State of Indiana, and not, at the time of his selection in the employment of either of said parties and the decision of such committee or a majority thereof, shall be final and binding on all parties. The Expense of such committee, including their compensation shall be equally borne, one half by each of said two companies or corporations.

(c) If, on January 1st. 1935, the City of Fort Wayne shall not have become the owner of said plant and system, and of the tangible property constituting said plant and system shall not have been sold and delivered to any other person, company or corporation having a franchise and the right, by contract with the city, to operate the same, and if this franchise shall not have been renewed or extended as hereinafter provided, then the said city shall, through its proper officers, proceed to offer by public advertisement a new franchise for the operation of said plant and system for a term of years, which franchise shall be awarded to the bidder who, being solvent and responsible, offers the most favorable terms for

the city, and its citizens, and who will bind himself, themselves or itself, as the case may be, to take the tangible property constituting said plant and system and pay to to the person, company or corporation then owning the same the fair cash value thereof, as an operating plant and if the parties cannot agree as to the fair cash value of said property as aforesaid, then the same shall be determined by a committee of three (3) arbitrators, to be chosen, one by each of the parties, and the third by the two so chosen by the parties, said third member to be a disinterested and reputable [illegible] engineer, not residing in the State of [illegible] and not, at the time of his appointment in the employment of either of said parties, and the decision of such committee or a majority thereof shall be final and binding on the said parties. The expense of such committee, including compensation, shall be equally borne, one-half by each of said two companies or corporations. If, at the expiration of this franchise the same shall not have been extended, or the said property disposed of as provided for herein, it is expressly understood and agreed that said Company, party of the second part, shall not have the right to tear up any street or alley occupied by it for the purpose of taking up any of the underground property belonging to said party.

(16) To each of the terms, conditions, provisions, stipulations and requirements of this contract, the City of Fort Wayne by and through its Board of Public Works, party of the first part herein and the said Samuel M. Foster, W. P. Breen, Chas McCulloch, H. E. Mossman, Louis Fox, George W. Berry, W. J. Vesey and S. S. Fisher, parties of the second part herein, do fully agree to and do bind themselves, their successors and assigns.

In witness whereof, We have hereunto set our hands and seals this 26th day of January 1903. in duplicate.

Geo. H. Berns. (Seal) Samuel M. Foster (Seal)
H. J. Vesey William P. Breen (Seal)
Samuel S. Fisher Charles Mc Culloch (Seal)
H. E. Mossman. (Seal)
Louis Fox (Seal)

The City of Fort Wayne, Indiana.
Peter Eggeman
Wm Lochmann
H C. Zollinger
Board of Public

attest:
A. M. Schmidt
City Clerk.

Section 1:- Be it therefore ordained by the Common Council of the City of Fort Wayne, Indiana, that the contract and agreement heretofore, towit: on the 26th day of January, 1903 made and entered into between the City of Fort Wayne, by and through its Board of Public Works, and Samuel M. Foster, H. P. Breen, Charles Mc Culloch, H. E. Mossman, Louis Fox George H. Berns, H. J. Vesey & S. S. Fisher, as fully set out in preamble hereto, be and the same is hereby in all things confirmed and approved.
Section 2: This ordinance shall take effect and be in full force and effect from and after its passage and approval by the Mayor.

I hereby certify that the foregoing Council of the city of Fort Wayne, Indiana, at a regular meeting held on the 26th day of March, 1903 by a majority vote of all members elect did pass the ordinance hereunto attached and known as General Ordinance No. 205.

August M. Schmidt
City Clerk.

Presented to the mayor for approval April 6th, 1903.

August M. Schmidt
City Clerk.

Approved this 8th day of April 1903.
Henry C. Bergdoff
Mayor.